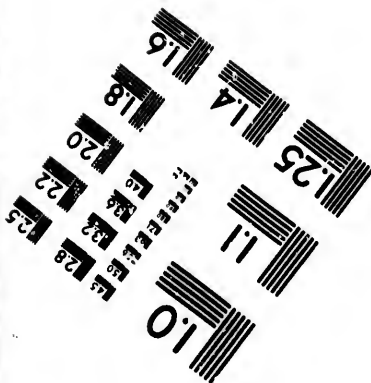
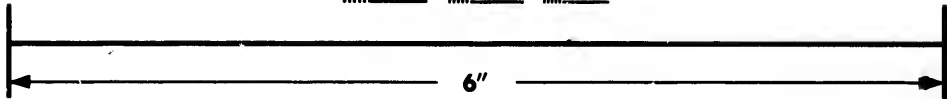
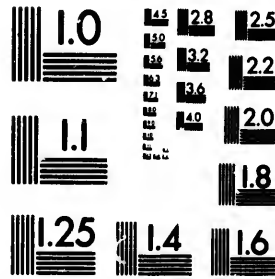


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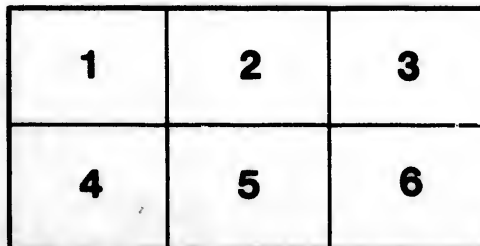
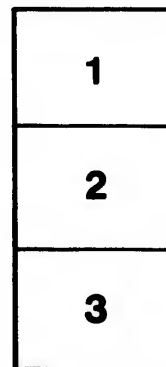
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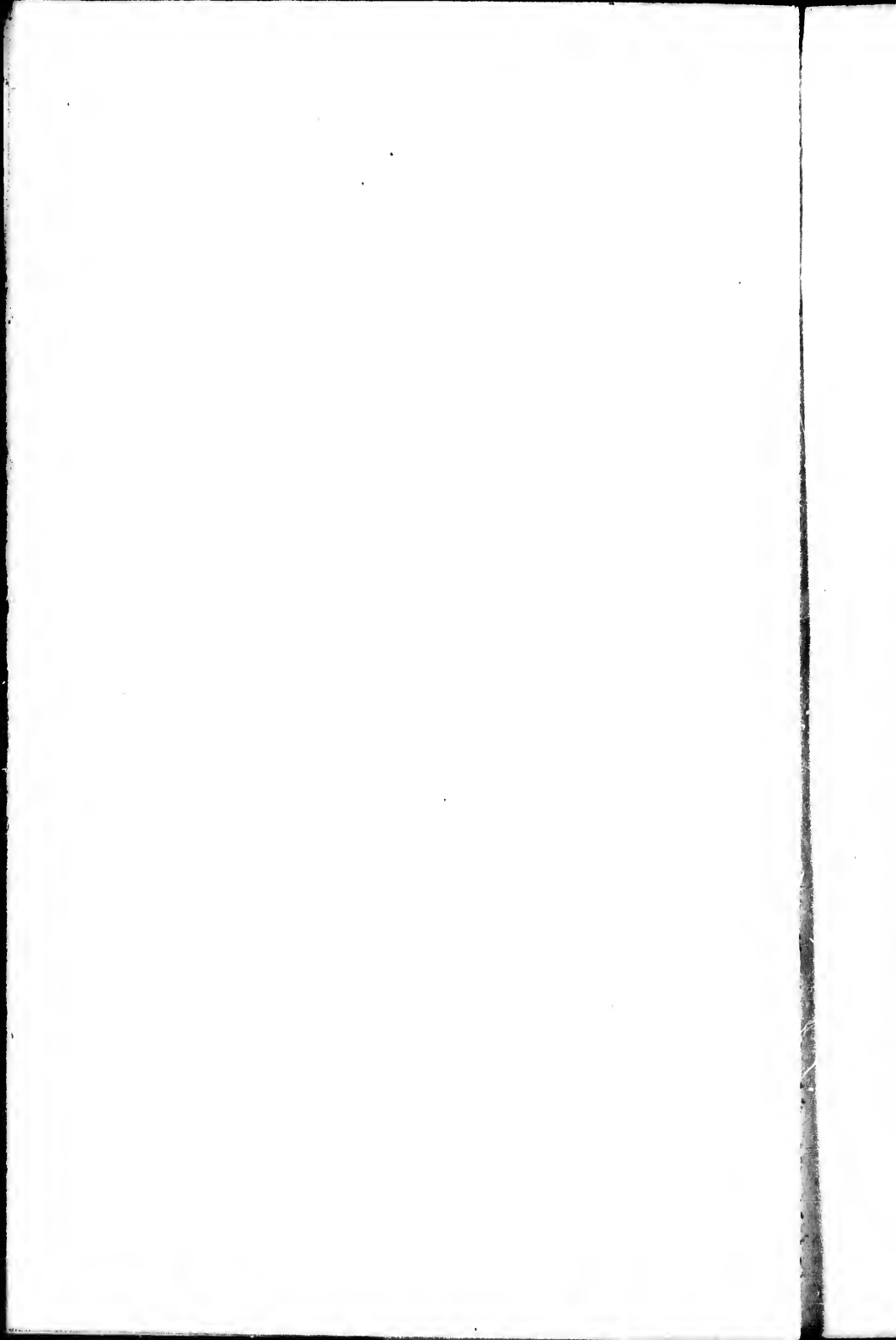
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THE  
**CHARTER AND BYE LAWS**

OF THE  
**SHUBENACCADIE CANAL COMPANY;**

WITH THE  
**ACTS OF THE GENERAL ASSEMBLY**

OF  
**NOVA SCOTIA,**

*Relating to the Canal.*

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PRINTED BY ORDER OF  
**THE BOARD OF DIRECTORS,**  
HALIFAX, NOVA SCOTIA.

1829.

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**CHARTER OF THE  
SHUBENACCADIE CANAL COMPANY.**

—\*—

Province of Nova-Scotia,

Halifax, to-wit.

(JAMES KEMPT)

*George the Fourth, by the Grace of God of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith, and of the United Church of England and Ireland, on earth the Supreme Head, &c. &c. &c.*

*To all to whom these presents shall come. Greeting :*

(LS.)

WHEREAS by an act of our General Assembly of our Province of Nova Scotia, made and passed in the year of our Lord 1824, and of our reign the fourth year ;—and entitled, “an Act to authorise the incorporation of a Company for making a Canal by the River and Lakes of the Shubenaccadie.” It is provided, declared and enacted in the words following, that is to say :—

*Be it enacted by the Lieutenant-Governor, Council and Assembly,* That whenever a sufficient number of persons shall have associated themselves together, for opening and making a Navigable Cut, Canal, or Water Communication, between the Harbour of Halifax and the Basin of Mines, by, along, or near to, the course of the River Shubenaccadie, and the lakes thereof, and shall have agreed to raise sufficient monies to effect the same, it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, at any time within five years from the passing hereof, by Letters Patent, under the Great Seal of this Province, to make, erect, and incorporate, all and singular the persons who, from time to time, shall be adventurers in, or parties to, the said undertaking, and their assigns, into one body politic and corporate, in deed and in name, under the title of—**THE SHUBENACCADIE CANAL COMPANY** : and, by that name to have succession, to sue and to be sued, to have a common seal, and to possess and enjoy such powers with respect to the choice of a President and other Officers, making bye laws, and regulating the affairs of the said Company, as shall be expressed in the same Letters Patent.

**II.** *And be it further enacted,* That the said Company, when so Incorporated, shall be, and they are hereby declared and made capable in Law, to have, hold, purchase, receive, possess, enjoy,



and retain, lands, rents, and tenements, to the amount of Fifty Thousand Pounds, and no more at one time; and also, monies, goods, chattels and effects, to the amount of Twenty-five Thousand Pounds, and no more, at any one time; and also, to sell, grant, demise, alien, or otherwise dispose of, such lands, tenements, rents, monies, goods, chattels, and effects, at their free will and pleasure.

III. *And be it further enacted*, That in such Letters Patent, the necessary officers of such Corporation shall be named and designated; and proper persons appointed to be such officers for the first year: and that the said Corporation may make, establish, and put in execution, such laws and regulations as may be necessary for making such Canal and the works thereof, levying the assessments, and for the government of the said Corporation: *provided* the same shall in no case be repugnant to the Laws of this Province.

IV. *And be it further enacted*, That the Capital or Joint Stock of the said Corporation, shall be divided into such and so many shares or portions, as the said corporation, by their bye laws or ordinances, shall from time to time appoint: and such shares shall be transferable; and be conveyed in such manner, and under such restrictions and conditions, as in such bye laws shall be appointed.

V. *And be it further enacted*, That it shall and may be lawful for the said Company, when so incorporated, to make, open, and cut, a sufficient Canal or water communication of such breadth, depth and dimensions, as shall be deemed fit and necessary, from the waters of the Harbour of Halifax, through the Dartmouth Lake so called, the lakes and channels or course of the River Shubenaccadie; or by or along the sides or banks of such lakes and river to such part of the River Shubenaccadie, between its place of discharge into the Basin of Mines and the Great Lake,—as shall be found practicable, or most convenient or proper for making a continued navigable Channel or Canal for the passage of boats or vessels, to and from the Basin of Mines, and the Harbour of Halifax, respectively; and also, to dig and excavate such lock pits, chambers or basins; and to make, build and erect, such locks, sluices, dams, weirs, and embankments, in, over, across or upon, the course of the said river, or along the sides thereof, or at or near to the several lakes or streams connected therewith, as shall be considered necessary or proper for effecting such inland water communication; and at all such places or parts of the said river, lakes or streams,

and in such lines, courses and directions, from one part to another of the said river, lakes and streams, as the said company shall deem expedient; and further, to make, place and erect, such and so many lock gates or doors, as shall be necessary in the line course or direction of such Canal, or required in the locks, dams or sluices thereof; and likewise to dig, excavate and deepen, the channels and courses of the said river, lakes and streams, wherever necessary, whether at the places of junction of the said lakes, river and streams, respectively or elsewhere in the course, channel or basins thereof; and moreover to divert, turn, change or alter, the course, channel and direction of the river, lakes or streams aforesaid, wherever necessary; and to make, dig and excavate a channel, or course for the said river, or the waters thereof; and to form the said Canal in any other manner, or different direction, between the said lakes respectively, or between any one or more of the said lakes, and the said river, or any particular part thereof, than the course or direction which the waters of the said river or outlets of the said lakes do now run in or follow:—and furthermore to retain, dam up and confine, the waters of the river, lakes, and streams aforesaid, in the natural basins, courses, or reservoirs, to be made by the said Corporation; and to lessen or reduce the actual surface waters, or depths of such lakes, river, or streams, wherever necessary or proper, for the purposes of the said Canal or water communication:—and generally to use and appropriate the waters of the said river, lakes and streams, and the channels and water courses thereof, to and for the use and benefit of, and for rendering effectual navigable and useful, the said intended Canal or water communication from Halifax aforesaid, to the said Basin of Mines.

VI. *And be it further enacted*, That the said Company shall have power and authority to make, open and complete, in all such places where the same shall be thought necessary, in or upon the said Canal, river and lakes, and the shores or banks thereof respectively, such towing paths, walks or roads, as shall be found necessary or useful for the tracking or towing along the line of such Canal, river or lakes, the boats, barges or vessels, to be used or employed thereupon; and such towing-paths, walks or roads, with all necessary appendages thereof, from time to time, to repair, amend, alter or sustain, as the said Corporation shall see fit.

VII. *And be it further enacted*, That it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, by whom such Letters Patent of

Incorporation shall be granted, to give and convey thereby to the said Company all such other powers, privileges, authorities and immunities, in regard to the making, executing, repairing and sustaining such Canal or water communication, as are commonly and usually granted to such Canal Companies; and as shall appear to him, with the advice and consent of his Majesty's Council, to be reasonable, fit and proper in this behalf; and further, by and with the consent aforesaid, to impose such restrictions and conditions on the said Company as may be proper or expedient in regard to the size and dimensions of the said Canal, and the locks and works thereof, the rates or tolls to be taken, or other subjects connected with such Canal.

VIII. *And be it further enacted*, That the course and channel of such Canal or water communication—and the dams, weirs, embankments, sluices, locks, lockpits or chambers, lock-gates, reservoirs and basins, by the said Corporation to be erected and made as aforesaid—and the waters and streams of the said river and lakes, so far as the same are or may be required or necessary to be used, retained, directed or appropriated, to and for the use and benefit of such Canal, and the beneficial enjoyment thereof; and all lands or real estate, purchased or obtained for such Canal,—and through which it shall be made, and the towing or tracking paths or roads aforesaid, along the said Canal river and lakes—shall be, and they are hereby, vested in, and declared and made the sole and exclusive property of the Company, for and during the term of Ninety-nine years from the date of such Letters Patent.

IX. *Provided always, and be it further enacted*, That a way and passage in through and along the said Canal or water communication, and the locks, gates and passages thereof—and in and upon the towing-path, roads or side-paths, of the said Canal, or by the said Company to be constructed or made for the use and benefit of the said Canal, shall be, at all convenient times and seasons, free and open to all his Majesty's subjects, with their boats, vessels and goods, and horses or cattle towing or drawing the same, upon payment or tender of the toll or pass-money, which shall be established and ordained by the said Corporation, upon and for the several parts of the said communication.

X. *And be it further enacted*, That the several rates, tolls and pass-monies, hereafter to be ordained or established by the said Company upon the line of the said Canal, shall be subject and liable to the regulation of his Majesty's Council, in the manner to be directed by the said Letters Patent.

XI. *And be it further enacted,* That wheresoever the course, line or direction, of such Canal or water communication, shall be crossed by any public highway now or hereafter to be established under the provisions of the present or any future Laws of this Province, the said Corporation shall be and is hereby required, and made subject and liable to build and erect, at the proper cost and charges of such Corporation, such sufficient and substantial bridges or draw-bridges as shall be necessary for the convenient use of the said highways where they cross such Canal: and such bridges or draw-bridges respectively, shall, from time to time, be kept in repair and sustained by the said Corporation; and be free and open to all his Majesty's subjects at all times and seasons.

XII. *And be it further enacted,* That wheresoever the line of such Canal or communication shall be crossed, or intersected by any private way; or shall pass through land owned by any one of his Majesty's subjects on both sides of the said Canal; or whenever, in future, any private way shall be required to be made across such Canal; then, and in every such case, the right or privilege of erecting and sustaining a bridge, or other mode of crossing such Canal for the use of the party entitled or requiring such private way or passage, and the proceedings for obtaining such right or privilege, shall be obtained, regulated and be pursued, in such and the like manner, and under such and the like conditions as private ways may now, or shall, by any future Laws of this Province, be procured, regulated or established.

XIII. *And be it further enacted,* That whenever, for the course, channel or scite of such Canal, or the works thereof, or for cutting or opening such canal, or for making or erecting any of the locks, dams, reservoirs, or embankments thereof, or for any of the other purposes mentioned and authorised by this Act, the said Corporation, their engineers or servants, shall consider or find it necessary that any lands lying or being in the course or direction of such Canal or water communication, or contiguous thereto, or upon the shores or banks of the said river, lakes or streams, should be purchased by, or vested in, the said Corporation, to enable them to make and complete, and beneficially use, the said Canal; then, and in every such case it shall and may be lawful for the said Corporation to have, use, adopt and take, such and the like course and proceedings in regard to such lands and the obtaining the same, for the use of the said Corporation, as by any present or future Law of this Province, are or shall be enacted or in force, touching the making or altering

any public highway through the lands of any private person in this Province: and such and the like process and course of proceedings, as are or may be requisite for divesting the right and interest of the individual owner of the land required for a public highway, and appropriating such land for the use of the public, shall and may be used, pursued and taken, for divesting the estate and interest of the respective proprietors of the lands required for the use of the said Corporation, and vesting such lands, with their appurtenances, in the said Corporation. And in every such case, after such and the like proceedings had as may be taken with respect to highways—and after the verdict of a jury taken and confirmed—and the damages assessed in favour of the proprietor, paid and satisfied—and all other the provisions and requisites in force as respects highways, in all particulars observed and confirmed—the said lands and tenements described in, and forming the subject matter of, such proceedings, shall be, and they are hereby, with their respective appurtenances, vested in, and appropriated to the use of the said Corporation, and shall be and remain to, and be enjoyed by, the said Corporation in fee simple.

XIV. *And be it further enacted*, That whenever, in the making or opening such Canal, and performing the works thereof, it shall be necessary for the said Company or their servants to procure materials for the said works from any uncultivated lands lying on or contiguous to the said Canal, river or lakes; and the owner of such uncultivated land, shall be absent; or no agreement can be made with him; then and in every such case, it shall and may be lawful for the said Company and their servants, to enter with workmen, carts, carriages and cattle, upon such uncultivated lands, and thereon and therefrom, to dig up, take and carry away, stones, earth and gravel;—and to cut down and carry away therefrom, trees and brushwood, logs poles and bushes, for the works of such Canal; and the damage thereby done, shall be appraised and ascertained by the judgment of three indifferent freeholders, to be nominated by the nearest Justice of the Peace, for that purpose; and the sum so ascertained, shall be paid or tendered by the Company to the owner of the soil, if demanded within three months from such appraisement.

XV. *Provided always, and be it further enacted*, That no damage be done to any particular person in his land or property, nor the course of any river or stream, or waters whatsoever, be turned or diverted without due recompense to be made by the said Corporation as the said Corporation and the parties interested may agree; or as shall be ordered by the Justices in

General or Quarter Sessions, upon enquiry into the same, by a jury to be summoned for that purpose.

XVI. *Provided always, and be it further enacted,* That if any dam, wear or embankment, shall be made across the present course or channel of the River Shubenaccadie, below the Great Lake, so called, the said corporation shall make and maintain therein, a sufficient waste gate, opening or passage, for allowing fish to pass up and down the said river: and with respect to such waste gate, opening or passage, shall be subject and liable to the rules, orders, regulations and penalties, from time to time made, or to be made, by the General Sessions of the Peace, in respect to the preservation of the River fishery, under the Acts now or hereafter to be in force.

XVII. *And be it further enacted,* That nothing herein contained, shall extend, or be construed to extend, to pledge the Government of this Province to have any concern, share, or interest in the proposed Canal or water communication; or to give the said Corporation, or any of the persons composing the same, any claim of any sort or kind upon the Treasury or Government of this Province, for any monies or pecuniary aid: it being the true intent and meaning of this Act, that those who may engage therein should proceed upon their own responsibility, and opinion of the advantages and practicability thereof.

XVIII. *And be it further enacted,* That unless the said Corporation, within the space of ten years from the passing of this Act, shall have made such progress towards the completing of the said navigation, as shall satisfy the Governor, Lieutenant-Governor, or Commander in Chief, and his Majesty's Council, that there is a reasonable prospect that such Corporation will, within a limited period, be able to complete the said navigable Canal, then and in such case this Act, and every matter and thing herein contained, shall cease, and be no longer in force.

And whereas it has been humbly represented to us on the part and behalf of the several persons hereinafter named and mentioned, that is to say: the Honorable Michael Wallace, Thomas Nicholson Jeffery, Enos Collins and Charles Ralmage Prescott, Esquires, Four of our Council in and for our said Province: Samuel Cunard, Joseph Allison, Thomas Boggs, James Tobin, Lewis Edward Piers, Stephen Wastie Deblois, John Clark, John Alexander Barry, William Pryor and John Starr, *all Merchants*: Richard John Uniacke, the younger, Charles Rufus Fairbanks, James Walton Nutting, Natha-

niel Whitworth White, James Boyle Uniacke and Beamish Murdoch, *Esquires, all Barristers at law: and* Rufus Fairbanks, Michael Tobin, George Piers Lawson, William Stairs, William Deblois, Joshua Lee, James Purvis, James Dewolf Fraser, Samuel Head, *Surgeon*, Michael Bennet, John Fairbanks, James Leishman, William Black, Samuel Black, Martin Gay Black, William Carritt, David Hare, the Reverend William Black, James Bain, William Lawson, Temple Foster Piers, James Hamilton, Lawrence Hartshorne, John Skerry, William Strachan, Edward Pryor, John Lawson, John Wallace, Thomas Wallace, Charles Hill Wallace, Richard Tremain, Henry Yeomans, John Brown and John Rees, all of Halifax, in our said Province;—that they the said several persons herein before named, with divers other persons our subjects, residing in Halifax aforesaid have associated themselves together, for opening and making a navigable Cut Canal or water communication, between the Harbour of Halifax and the Basin of Mines, so called, within our said Province;—by along, or near to the course of the River Shubenaccadie, and the lakes thereof—within the same;—and have proposed and agreed, by private subscriptions, of themselves and other adventurers willing to embark in the said undertaking, to raise sufficient monies to effect the same, and to carry the several purposes in the said recited Act mentioned into full effect, under the authority, provisions, regulations and restrictions of the said Act, and as a Joint Stock Company, or Body Corporate to be constituted, pursuant to the regulations thereof. And Whereas, they the said several persons before named, as well on behalf of themselves, as of all others, the present or future subscribers to the said association and undertaking, have, by their humble petition to our trusty and well beloved Lieutenant General Sir James Kempt, Knight Grand Cross of our most Honorable Military Order of the Bath, our Lieutenant Governor and Commander in Chief, in and over our said Province of Nova-Scotia and its dependencies, Chancellor of the same, and so forth, at Halifax duly preferred, besought us by our Letters Patent under the Great Seal of our said Province, thereto set by our said Governor, to incorporate, as well them, the said several persons above named, as also, all and singular other the persons who now are or hereafter may become Parties, Shareholders, Subscribers or Adventurers, in, to or for the said Association or undertaking, for the purposes—with the powers—and in the manner in the said recited act expressed.

Know Ye therefore, that we being minded to grant such Letters Patent as in and by the said Act are provided and men-

tioned with all necessary powers and privileges, incident and necessary to the said Association and Enterprise,—of our special Grace, certain knowledge and mere motion, have called, ordained, constituted, given, granted and confirmed—and by these presents for us, our Heirs and Successors, Do, will, ordain, constitute, give, grant and confirm—that the several persons above named, that is to say :—the Honourable Michael Wallace, Thomas Nicholson Jeffery, Enos Collins and Charles Ralmage Prescott, Samuel Cunard, Joseph Allison, Thomas Boggs, James Tobin, Lewis Edward Piers, Stephen Wastie Deblois, John Clark, John Alexander Barry, William Pryor and John Starr, Richard John Uniacke, the younger, Charles Rufus Fairbanks, James Walton Nutting, Nathaniel Whitworth White, James Boyle Uniacke, Beamish Murdoch, Rufus Fairbanks, Michael Tobin, George Piers Lawson, William Stairs, William Deblois, Joshua Lee, James Purvis, James Dewolf Fraser, Samuel Head, Michael Bennet, John Fairbanks, James Leishman, William Black, Samuel Black, Martin Gay Black, William Carritt, David Hare, the Reverend William Black, James Bain, William Lawson, Temple Foster Piers, James Hamilton, Lawrence Hartshorne, John Skerry, William Strachan, Edward Pryor, John Lawson, John Wallace, Thomas Wallace, Charles Hill Wallace, Richard Tremain, Henry Yeomans, John Brown and John Rees ; and also all and singular other the persons whomsoever, who now are or have become or hereafter from time to time shall or may be or become Subscribers or Adventurers in, or Parties to the said Undertaking, and all and every other person or persons, who in their own rights, or as Executors, Administrators or Assigns, or as Devisees or Representatives howsoever, of the said several persons above named, or of other the present or future Subscribers or Adventurers in the said Enterprise or Undertaking, at any time or times hereafter shall have, own or be entitled unto any Share, Interest, Estate or Proportion, in the said Association and Enterprise, and in the Capital and Joint Stock funds and property whatsoever of the said Company, by virtue of these presents, or by subscription gift grant devise bequest or otherwise to be acquired, so long as they the said several Subscribers, Adventurers or Shareholders present or future, or their several and respective Executors Administrators Assigns Devisees or other Representatives, from time to time, shall have, possess or retain any such part share or Interest as aforesaid, SHALL from henceforth be and remain one Body Corporate and Politic in fact, law, deed and name, by and under the name, style and Title of the *Shubenaccadie Canal Company* :—And them the said several persons above named, and all and singular other



the persons whomsoever, who now are or have become, or hereafter from time to time shall or may be or become Subscribers or Adventurers in, or Parties to the said Undertaking, or have raised subscribed own have hold, or may raise, subscribe, own or hold, or are or may be entitled unto any Share Interest Estate or Proportion in the said Association or Enterprise, and in the present or future Capital Joint Stock funds or property whatsoever, whether in their own right, or as Executors, Administrators, Assigns, Devisees or Representatives howsoever, of any present or future Subscribers Shareholders or Adventurers, so long as they respectively have hold and retain any such Share Interest, Estate or Proportion as aforesaid, by and under the said name of the Shubenaccadic Canal Company, one *Body Politic and Corporate* in deed and name, really and fully WE do for us, our Heirs and Successors erect, make, ordain, constitute, confirm, declare and create by these presents:—And that from henceforth at all times they the said several persons and Parties Adventurers Subscribers Shareholders or interested as aforesaid, by the name of the Shubenaccadic Canal Company, be, and at all times hereafter shall be a Corporate Body, able in Law, and capable to sue and be sued, implead and be impleaded, answer and be answered unto, defend and be defended in all courts and places, before Us, our Heirs and Successors, and before all or any of the Judges Justices Officers or Ministers of Us, our Heirs and Successors, and elsewhere, in all and all manner of Action and Actions Suits Complaints Pleas Causes Matters and demands whatsoever, and of what kind or nature soever, in as full and ample manner and form as any of our Liege subjects of our said Province, being persons able and capable in Law, can or may sue or be sued, implead and be impleaded, answer and be answered unto, defend and be defended, by any lawful ways and means whatsoever.—And also with power in their said Coporate capacity, at all times to have and use a common Seal, in such form as shall be ordained by the said Company, for sealing all and singular deeds, grants, conveyances, contracts, bonds, articles of agreement, assignments, Powers and Authorities and all and singular their affairs and things touching or concerning the said Corporation. And We do ordain authorise and declare, that under and by virtue of these our Letters, it shall and may be lawful to and for the several persons aforesaid, in their Corporate capacity as aforesaid, as they shall see cause, to break change or new make the said Seal or any other Common Seal, when and as often as to them shall seem convenient. And also We do of our special Grace, certain knowledge and mere motion for us, our Heirs and Successors, give, grant, ratify and confirm unto the said

several Persons above named, and all others now being or hereafter to become Parties, Adventurers, Subscribers, Shareholders or interested in manner and for the purposes aforesaid, that all and singular the said several Persons, he and shall be and they are hereby declared at all times hereafter, in their Corporate capacity, by the same name of the Shubenaccadie Canal Company, able and capable in Law to purchase, have, hold, receive, possess, enjoy and retain any Messuages, Houses, Buildings, Wharves, Lands, Lands wholly or in part covered with water, Tenements, Rents, Possessions and other Hereditaments and Real Estate within our said Province, either in fee simple or for term of life or lives or years or in any other manner: And also Tolls, Ferries, Rates and Dues, by the said Company or otherwise to be established or to be derived from the said Canal Communication or otherwise howsoever: And likewise monies, goods, chattels, effects, and other things of what kind or quality soever: with full and entire power and authority at all times in their said Corporate capacity, to give, grant, sell, assign, demise or otherwise dispose of all or any part of the Messuages, Houses, Buildings, Wharves, Lands, Lands wholly or in part covered with water, Tenements, Possessions, Rents, Hereditaments and Real Estate, Tolls Ferries, Rates and Dues, and all their Monies, Goods, Chattels, Effects and other things aforesaid, as to them in their Corporate capacity acting, shall seem meet, and at their own will and pleasure. Provided always, nevertheless, that over and beyond the value of the Land partly covered with water, used occupied and employed for the said Canal and Water Communication, and the Reservoirs, Locks, Sluices, Dams, Wears and Embankments thereof, and over and beyond the Tolls, Monies and Receipts, to be had and collected therefrom, the Lands, Rents and Tenements so to be held and retained by the said Company, in their said Corporate capacity, at any one time shall not exceed in value the amount of Fifty Thousand Pounds, of lawful money of our said Province; and the Monies, Goods, Chattels and Effects so to be possessed and retained by the said Company at any one time shall not exceed in value the amount of Twenty-five Thousand Pounds of like lawful money.

And We do hereby for Us our Heirs and Successors, will ordain, constitute, grant and declare that the necessary officers of the said Company, for managing, ordering, transacting and performing the business and affairs thereof, shall be and at all times (except in case of vacancies arising by death or resignation) shall consist of one President, two Vice Presidents, nine Directors and a Secretary, besides such other officers and ser-

vants as the said Company shall think proper to constitute and appoint, for the better managing and executing the business thereof; and that the several powers, authorities, rights, privileges and duties of such President, Vice Presidents, Directors and Secretary and other Officers and Servants of the said Company, shall be declared and established in and by the Bye Laws, Rules and Regulations of the said Company, for that purpose to be made and enacted.

And we do also for us our Heirs and Successors, and by virtue and in pursuance of the said recited Act, nominate and appoint to be the officers of the said Company for the first year thereof, the following persons, that is to say:—The said Honourable Michael Wallace Esquire to be the first President of the said Company; the said Honourable Thomas Nicholson Jeffery Esquire and Samuel Cunard Esquire to be the first Vice Presidents thereof; the said Joseph Allison, Thomas Boggs, James Tobin, Lewis Edward Piers, Stephen Wastie Deblois, John Clarke, John Alexander Barry, William Pryor, and John Starr, Esquires; to be the first nine Directors thereof, and the said Charles Rufus Fairbanks Esquire to be the first Secretary thereof. And we do, will, authorize, ordain and declare that the said several Persons do hold, exercise, enjoy and retain, their said respective offices from the day of the date of these presents, for and during the term of one whole year, and thence continually until a new choice of the said Officers respectively shall be made, by the said Company, in such manner and form as by the Bye Laws thereof, in this behalf to be provided, shall be directed and ordained.

And further, We do of our special grace, certain knowledge and mere motion, for us, our Heirs and Successors, give, grant, ratify and confirm unto the said persons hereby incorporated, or meant and intended to be incorporated, by the name of *The Shubenaccadie Canal Company*, and to all and singular other the persons who from time to time are or shall be and become Subscribers, Parties, Shareholders, Members or Proprietors of and in the said Company,—or shall acquire and retain, any part, share or interest therein, or in the property thereof,—That all and every person and persons, being or becoming Shareholders, Subscribers, Parties, Members or Proprietors of and in the said Company and interested therein, as hereinbefore is mentioned, shall and lawfully may assemble themselves and meet together, upon and at such several days and time, and at such place or places within our Province of Nova Scotia aforesaid, as to them or the majority of them shall

seem fit or expedient, for the constituting the said Company, and for managing, ordering, consulting and settling, the affairs and business of the said Company. And that they, the said several Persons and Parties, now, or hereafter to be Members and Shareholders, shall and may have and possess and enjoy, at each and every such several days and times of meeting, full entire and perfect liberty, power and authority to frame, constitute, ordain, make, establish and put in execution, all Bye-laws, Rules, Statutes, Ordinances, Regulations and Constitutions, necessary fit and proper, in the opinion of the said Shareholders, or the major part of them, for declaring, settling and establishing the Constitution Rule Officers Servants and Government of the said Corporation,—or for the conduct and management of the affairs thereof—or for raising, levying, procuring, borrowing, hiring or obtaining the necessary funds and monies, for making, opening, cutting and completing, according to the Intention Powers and Authorities of and in the said recited Statute expressed, a sufficient navigable Canal or Water Communication, from the waters of the Halifax Harbour, through the Dartmouth Lakes so called, the Lakes and Channels or Course of the River Shubenaccadie, or by, along, or near their Banks respectively, to the Basin of Mines at the place of discharge of the said River;—or for levying and assessing upon the present or future Shareholders in the said Company all Rates and Assessments made and ordered to be paid for making constructing and sustaining such navigable Canal and the works thereof;—or for defraying the expense attendant thereon;—or the management of the affairs of the Company and support of the navigation.

And We do likewise in manner aforesaid, give grant ratify and confirm unto the said Corporation, and all the present and future Members and Shareholders thereof, that they, or the major part of them, present at such meetings, shall also have possess and enjoy full entire and perfect liberty power and authority to ordain make establish and put in execution all Bye-laws Rules Statutes Ordinances Regulations and Constitutions, in the opinion of them or the major part of them, necessary fit or proper for conducting and ordering the operations of the said Company, and their servants and officers, in cutting opening and constructing the said Canal and Water Communication, and all the proceedings works and doings therewith connected;—and for managing and ordering all the details, affairs and business of the said enterprise and Undertaking; and for maintaining repairing and upholding the said navigable communication; and for using and navigating the same; and for the good rule and government of the said Company hereby incorporated, and of all the officers

belonging thereto, or therein concerned or interested; and for the further Public good common profit benefit and regulation of the said Company;—and for the better maintaining preserving using disposing letting or managing the said Canal or Water Communcation, and all and singular the works thereof or therewith connected,—and the Tolls, Rents, Income and profits thereof, and other property Tenements, Lands, Possessions Hereditaments Goods and Chattels to the said Company belonging or hereafter to belong, and all other matters and things whatsoever touching or concerning the said Company, or the state, right and interest of the same.

And We do hereby for Us, our Heirs and Successors, will and declare that all the said Bye-laws Ordinances Statutes Regulations and Constitutions so made and ordained, shall and may in like manner, at any of the said meetings, be revoked repealed, annulled or amended in such manner as to the said Members Proprietors, or other persons interested in the said Corporation, or the greater part of them may seem right and expedient.

And We do hereby for Us, our Heirs and Successors further will and ordain that all and singular the Bye-laws Ordinances Statutes Regulations, Rules and Constitutions, so as aforesaid to be made, and which from time to time shall be in force, shall be binding and obligatory on all the present and future members of the said Company: provided such Bye-laws, Ordinances, Statutes Rules Regulations and Constitutions are not contrary to the common Law of our Kingdom of England, or to the Laws of this our Province of Nova-Scotia; and provided also that the same be, within one month after the passing thereof, certified to our Governor and Council for our said Province, and be allowed ratified and confirmed by them within six months after the certifying thereof. And We do moreover, will ordain give and grant to the several persons, who from time to time shall be members of the said Corporate Body, full power and authority to assemble and meet together; at any such times as they shall deem expedient, for the managing regulating and conducting the affairs and business of the said Corporation according to the Bye-laws Rules and Regulations aforesaid by them to be made: and also at any of these meetings, and from time to time as the said Corporation shall find it expedient, to elect and choose, pursuant to the Bye-laws by them to be made as aforesaid for that purpose, one President two Vice Presidents nine Directors one Secretary and other officers for the said Company, from among the persons who from time to time shall

be members of, or interested in the said Company, in the place and stead of the said President Vice Presidents Directors and Secretary hereinbefore nominated and appointed for the first year as aforesaid; and such officers or either of them, from time to time to re-elect and choose according to their said Bye-laws and regulations in that behalf to be made, and as often as shall therein be appointed. And we do will and ordain that the President Vice Presidents Directors Secretary and other Officers nominated, elected or from time to time appointed, by the said Corporation for the time being, shall exercise possess and enjoy all the rights powers and privileges to their said Offices respectively appertaining.

And We do furthermore, for us our Heirs and Successors, grant will and ordain that the Capital or Joint Stock of the said Company, shall, in the first instance, consist of the sum of Sixty Thousand Pounds, of lawful money of Nova-Scotia, to be divided into Two Thousand and Four Hundred Shares, each share being of the sum of Twenty-five Pounds; and that the said Capital Stock and all the Shares thereof shall be deemed and taken to be personal property; and shall be transferable and be conveyed in such manner and under such conditions and restrictions, and in such form and manner, as in and by the Bye-laws of the said Company shall be ordained. But the said Corporation and the Parties and Members thereof shall and may from time to time, if the same be thought expedient, add to and increase the amount of the said Capital Stock and number of Shares thereof to such additional amount and extent, beyond Sixty Thousand Pounds, as for the purposes and objects of the said Corporation, the Shareholders therein may deem necessary and expedient. Provided always nevertheless, that no holder of any Share or Interest in the said Corporation, or the Capital or Joint Stock thereof, shall under any Rates or Assessments to be made by the said Company, or in any way, or by any means, or upon any pretence whatsoever, be liable to the payment of any greater or larger sum of money in the whole, than the sum of Twenty-five pounds currency on and for each several Share subscribed for, or held by, or standing in the name of such Subscriber or Shareholder at the time of ordering each Rate or Assessment.

And it is declared that the said sum of Twenty-five pounds is to include all the calls made or to be made on such Share from the date hereof: it being the true intent and meaning of these presents that no greater sum than Twenty-five Pounds shall be paid for or upon any one Share in the said Company.

And We do moreover, for us our Heirs and Successors, give grant ordain and confirm unto the said Corporation, and unto the Parties and Persons who from time to time are or shall be Shareholders or Proprietors thereof, in their Corporate capacity to be enjoyed, all and singular the Estate, Rights, Powers, Privileges, Profits, Authorities and Immunities, which in and by the said recited Act, are granted or intended to be granted to or vested in the Company to be incorporated under that Act,—and as fully amply entirely and effectually, to all intents and purposes whatsoever, as if all the Estate, Rights, Powers, Privileges, Profits, Authorities and Immunities in the said Act enumerated and set forth, were herein again expressly recapitulated and particularized:—To have and to hold all the said Estate Rights Powers Privileges Profits Authorities and Immunities unto the said Corporation, from the day of the date of these our Letters Patent, during the continuance of the said Company.

And We do likewise, for Us our Heirs and Successors, give, grant, ordain, convey and confirm unto the said Corporation, and unto the several Parties and persons, who from time to time are or shall be Shareholders or Proprietors—or interested therein,—in their Corporate capacity to be enjoyed—all and every other powers privileges authorities and immunities, in regard to the making executing repairing and sustaining such Canal or Water Communication, as by us in our Kingdom of Great-Britain have been commonly and usually granted to Companies incorporated for cutting opening and maintaining Canals or Inland Water Communications; or which are or may be reasonable necessary fit or proper to be granted to, held possessed and enjoyed by, the Parties and Persons hereby incorporated; and for the better management of the said Corporation, and the effectual and successful opening and completion of the Canal Communication hereinbefore referred to, and rendering the same fully and easily navigable—and procuring therefrom to the said Parties a reasonable return and remuneration for their great charges risk and expense in opening and constructing this great public work: Notwithstanding that such other and further Powers Privileges Authorities and Immunities hereby intended to be bestowed, might require to be expressly specified and set forth at large—Our will and pleasure being freely to grant and confirm to the said Corporation, Privileges and Powers, Rights and Immunities co-extensive with those which are commonly and usually granted to such Canal Companies incorporated in our said Kingdom.

Provided always, nevertheless and it is our will and pleasure, and We do hereby direct order and declare that the locks, and works of the said Canal, and the communication thereby to be opened and constructed, shall be made and completed of such size shape and dimensions as to afford a navigation, as nearly as may be, of the depth of eight feet of Water at the least, through the said Canal, or water Communication when the same shall be fully completed.

And We do hereby further for us our Heirs and Successors will declare and ordain, that the several Rates, Tolls, and Pass-monies to be established and demanded by the said Company for the freight or transport of Passengers, Goods, Merchandise Chattels or Cattle, through the said Canal or inland Water Communication, or upon the line thereof, shall be from time to time subject and liable to the regulation of our Council for our said Province, if to our said Council it shall seem necessary and expedient so to regulate the same. Provided always nevertheless, and We do hereby ordain and declare that the amounts of such Rates Tolls or pass-monies shall not be reduced or regulated by our said Council until the whole annual proceeds and produce thereof to the said Company, shall amount to an annual profit or return of fifteen pounds per Centum, on and for the amount of the several shares of the said Company, from the date of these presents, over and above the yearly expenses and monies necessary to maintain the said communication and keep it in perfect order and repair—to support the Boats, Barges Vessels or other means of carriage and conveyance along and upon the said Canal—to satisfy the wages and allowances of the officers and servants of the Company and all other outgoings therefrom—and also to pay the interest from the date hereof of all monies advanced by the said Company: nor shall such reduction or regulation, by our said Council, be made for any thing more than the excess of the produce of such Tolls beyond the said nett profit of fifteen per Centum.

Provided always nevertheless and We do hereby for us our Heirs and Successors will and declare, that these our present Letters and the several rights powers privileges and immunities, herein and hereby granted and conveyed, are upon under and subject to the same conditions and provisoes which, in and by the said hereinbefore recited Act, are made provided and declared: and for want of compliance with and performance of the said conditions and limitations by the said Company, these presents shall be and become wholly and entirely void and determined, to all intents and purposes, in all cases where by the terms of



the Statute such penalty or forfeiture is expressly made applicable to the want of compliance and performance aforesaid.

And We will, and by these presents for us our Heirs and Successors, do grant and declare that the said Parties to the said undertaking shall and may have these presents made and sealed under the Great Seal of our Province of Nova-Scotia; and that these our Letters Patent or the enrolment or exemplifications thereof shall and may be good, firm, valid sufficient and effectual in the law according to the true intent and meaning of the same; and shall be taken, construed and adjudged, in the most favourable and beneficial sense for the best advantage of the said Shubenaccadie Canal Company, as well in all our courts of Record as elsewhere, and by all and singular Judges, Justices, Officers Ministers and other subjects whatsoever, of us our Heirs and Successors; any mis-recital, non-recital, omission, imperfection, defect, matter cause or thing whatsoever to the contrary thereof in any wise notwithstanding: without fine or fee great or small to be for the same in any manner rendered done or paid to us in our Hanaper or elsewhere to our use.—And lastly We do hereby promise and declare for us our Heirs and Successors that We and they shall and will at all times hereafter give and grant to the aforesaid Shubenaccadie Canal Company, such other reasonable powers and authorities as may be necessary for the government and management of the said Company, and the more effectual execution of the premises.

In testimony whereof We have caused these our letters to be made Patent; and the Great Seal of our said Province to be hereunto affixed; and the same to be entered of Record in our Secretary's Office of our said Province in one of the Books of Patents there remaining. Witness our Trusty and well-beloved, His Excellency Lieutenant General Sir James Kempt, Knight Grand Cross of the Most Honourable Military Order of the Bath, Lieutenant Governor and Commander-in-Chief in and over our Province of Nova-Scotia and its Dependencies, Chancellor of the same, &c. &c. &c. at Halifax aforesaid, this first day of June, in the seventh year of our reign and in the year of our Lord One Thousand Eight Hundred and Twenty-six.

By His Excellency's Command,

(RUPERT D. GEORGE,)

*Secretary.*

MAY IT PLEASE YOUR EXCELLENCY.

I HAVE perused this Charter, and find nothing therein prejudicial to the interests of his Majesty.

S. G. W. ARCHIBALD,  
*Solicitor General.*

To his Excellency Lieut. Gen.

SIR JAMES KEMPT.

ACT VII. GEO. IV. CH. I. SECTION 2.

PASSED MARCH, 1826.

*And be it further enacted,* That for encouraging the opening the Shubenaccadie Navigation between the Harbour of Halifax and the Basin of Mines, a sum of Fifteen Thousand Pounds be granted and paid to the Company now forming for that purpose, in manner following, that is to say :—The Company to be entitled to the sum of Four thousand pounds when the Communication is open and navigable for Vessels drawing eight feet of Water, from the mouth of the Shubenaccadie River to the South-east end of Lake William ;—to the sum of Three Thousand Pounds when the Communication is complete, of the same depth, from Lake William to Lake Charles ;—to the sum of Three Thousand Pounds when the Communication is complete, of the same depth from Lake Charles to the south end of the Dartmouth Lake ;—and to the sum of Five Thousand Pounds when the communication is so completed, to the same depth, from the Dartmouth Lakes into the Harbour of Halifax. *Provided always,* That no greater sum than Three Thousand Pounds be paid out of the Treasury in any one year, on account of this Grant.

ACT VIII. GEO. IV. CH. XVII.

PASSED MARCH, 1827.

*An Act in addition to the Act, entitled, an Act to authorize the Incorporation of a Company, for making a Canal by the River and Lakes of the Shubenaccadie.*

WHEREAS, by the said Act, the Governor, Lieutenant-Governor, or Commander-in-Chief for the time being, was authorized to grant Letters Patent for incorporating, under the title of The Shubenaccadie Canal Company, all the persons, their Heirs and Assigns, who, from time to time, should be Adventurers or

Parties, in making a Navigable Water Communication between the Harbour of Halifax and the Basin of Mines, by the course of the River Shubenaccadie and the Lakes thereof:

*And whereas*, pursuant to the said Statute, Letters Patent, under the Great Seal of the Province, and dated the first day of June, one thousand eight hundred and twenty-six, were duly, and in conformity to the said Statute, made and granted by His Majesty; whereby certain persons, Inhabitants of Halifax, particularly named in the Letters Patent, were incorporated by the Name and Title, and for the purposes aforesaid, as by the said Letters Patent, will, on reference thereto, at large appear:

*And whereas* some further powers and regulations have been found necessary for the better establishing of the said Company, and more effectually accomplishing the objects thereof;

*I. Be it therefore enacted by the Lieutenant-Governor, Council and Assembly*, That all and singular the Lands, Works, Waters, Water Courses, Streams, Lakes, Channels, and all and singular other the Estate, Rights, Interests, Powers, Benefits, Privileges and Immunities, in and by the eighth Clause or Section of the said Act, granted to the said Company, for the term of ninety-nine years; shall be, and the same are hereby vested in, and declared to be, the sole and exclusive property of the said Corporation, henceforth forever.

*II. And be it further enacted*, That the Joint Stock, and Real and Personal Estate of the said Corporation, shall be liable for, and subject to, the payment of all Debts contracted by the Company; and none of the present or future Members of the said Company shall be liable for the payment of any debt contracted by the Company, beyond the amount of the Shares or Stock held by such individual Member.

*III. And be it further enacted*, That the President, Vice-Presidents and Directors, of the said Company, named in the Letters Patent, or hereafter to be chosen, shall constitute the Board of Directors of the Corporation. And that such Members of the said board, as shall be directed in the Rules and Bye-laws of the said Company, shall go out of Office on the first day of March in every year; and shall not be again re-elected to the same Office before the next annual Meeting; and the Persons chosen in their stead, or to fill any Vacancies in the said Offices not previously supplied, shall come into Office on that day; and the General Meeting of the said Company, for the

choice of such Officers, and for its general business, shall be held in the Month of February in every year, and at such time and place as the Directors shall appoint: The first annual Meeting to be held in the Month of February next ensuing the passing hereof.

IV. *And be it further enacted,* That at every annual Meeting, a full, explicit and correct account of the Affairs, Debts, Engagements, Property and State of the said Company, shall be by the Board of Directors prepared, and laid before the Stockholders; who, if they think proper, may, at such or any future Meeting, choose fit and proper persons to examine and audit such account, and to report thereon: And all the Books, Papers, Accounts, Vouchers and Documents of the Company, necessary for that inspection and audit, shall be produced before, and be submitted to, such Auditors, by the persons having the same in charge.

V. *And be it further enacted,* That whenever a requisition for a General Meeting of the Stockholders of the said Company shall be presented to the Board of Directors, signed by ten Members of the Company, the Directors shall cause such General Meeting to be held at some convenient time and place, within ten days after the delivery of such Requisition.

VI. *And be it further enacted,* That upon complaint made on oath, to the Judges of the Supreme Court, at any of its Sittings in Halifax, that any person holding any office in the said Company, has been guilty of any fraud or criminal misconduct in managing the affairs of the said Company; or the Stock, Funds or Property, Real or Personal, belonging thereto; it shall be lawful for the said Supreme Court to examine into the subject matters of such complaint; and to hear and try the same, either by Jury or in a summary way; and upon conviction, to remove the Person or Persons so convicted, from the office held by him or them, in the said Corporation.

VII. *And be it further enacted,* That every Vacancy occasioned in the Board of Directors, or other Officers of the Company, by the death, resignation or removal from the Province, of the person filling the same, or by the Judgment of the said Supreme Court, shall be supplied by the choice of another Officer at some General Meeting of the Company, to be specially convened for that purpose, agreeably to the By-laws.

VIII. *And be it further enacted,* That the Books and Accounts of the said Company shall at all times be open to the examination of such person or persons, as the Governor Lieutenant-Governor or Commander-in-Chief, by and with the consent and advice of His Majesty's Council, shall appoint to inspect the same.

IX. *And be it further enacted,* That no part of the Capital Stock of the Company, when paid in, shall be applied or converted to the payment of any dividends whatever, to the Members of the said Company; but shall be wholly applied to, and expended in, the works of the said Navigation, and towards the making, using, navigating, and maintaining the same. And it shall not be lawful for the said Company, unless thereto specially authorised, to make or execute any Bond, Bill, Note or Obligation, to bind the said Company, for any sum of Money less than Twenty Pounds.

X. *And be it further enacted,* That no Bye Law of the said Company shall be in force, or executed, until the same is approved of by the Governor and Council:—And no alteration amendment or repeal, of any such Rules or Bye Laws of the said Company, shall be of any force or effect whatever, unless the same shall be also allowed and approved of by the Governor and Council, in such and the like manner, as by the said Letters Patent is appointed with respect to the original Byelaws.

*And Whereas,* it may happen that the said Canal or Water Communication, or the works thereof, may be injured by unforeseen accidents, whereby the navigation thereof may be interrupted, and the Lands adjacent thereto be exposed to damage:

XI. *Be it therefore enacted,* That for the speedy reparation of such injury, whenever and as often as such case shall happen, it shall be lawful for the said Company, and their servants, to enter with Workmen, Carts, Carriages and Cattle, upon the Lands contiguous to the said Canal, and the Works connected therewith; and thereon and therefrom, to dig, work, get, carry away and use, all such Stone, Gravel, Clay, Timber and other materials, Fruit Trees and ornamental Timber Trees excepted, as may be necessary or proper, in the opinion of the Company or their Servants, for such reparation: doing as little damage thereby, as the nature of the case will permit. And in case damages shall be claimed by the owner or owners of any land

entered upon for the purpose of obtaining materials as aforesaid, and the Company cannot agree with him or them, touching the extent or payment of such damages, then the amount thereof shall be ascertained and settled in the manner hereinafter prescribed.

**XII.** *And be it further enacted,* That whenever any damage, trespass, waste or injury, shall be done to any person in his lands, rights or property, by making or opening the said Canal or Water Communication;—or by the erection of any of the Dams, Locks, Embankments or Works thereof;—or by the flooding or overflowing any lands;—or by diverting the Waters of any Stream or Lake from the person or persons legally entitled to the same, or to the use thereof;—or by entering upon any Lands contiguous to such Canal, and digging, cutting, carrying away or using, any Stone, Gravel, Clay, Timber, Wood or other materials, for the purpose of the said Canal, or the works thereof;—or by any other way or means whatsoever, injuring or impeding such rights or property,—it shall and may be lawful, either for the party grieved and subjected to injury, or for the said Company, to apply to any two Judges of the Supreme Court of the Province, by Petition, stating the nature and situation of the lands, rights or property injured, and praying for the appointment of appraisers to estimate the same. Whereupon the said Judges shall direct proper notices to be given to all parties interested, to attend before them, at a day and place to be appointed for the purpose, and shall, at the time so appointed, call on the Company and party injured, each to nominate one or two appraisers, as the said Judges may think necessary. And the said Judges shall name another appraiser; and shall, by an order in writing, constitute and appoint the persons so chosen and named, to act as appraisers of the damages arising from the injury complained of; and in case the said Company or party injured, shall neglect or refuse to name appraisers as aforesaid, the said Judges shall name a fit and discreet person or persons, as the case may require, to act on behalf of the said Company or person declining to make such nomination when called on as aforesaid. And the Persons so named and chosen shall, before they enter upon the duties of their appointment, severally take and subscribe an Oath before a Judge of the said Court, faithfully and impartially to perform the trust and duties so required of them, by the order of the said Judges; which oath shall be filed with the said Petition in the office of the Prothonotary of the said Court at Halifax. And the said appraisers or a majority of them, shall make a just and equitable estimate and appraisal of the loss and damage of the respective owner or owners, or parties interest-

ed in the lands, rights property or premises, so entered upon, injured or pretended or alleged to be injured or impaired, by the said Company, and shall certify and return their determination and award in writing, under their hands, or the hands of the major part of them, touching all such damage, loss and injury, of whatsoever nature it be, into the office of the said Prothonotary of the Supreme Court at Halifax. Whereupon if the said Court shall be of opinion, that the said award hath been fairly, equitably and impartially made, and if no good and sufficient cause shall be shewn against such award and determination, the said Court shall allow and confirm the same. And thereupon, the said Company shall, within such time as the Court shall appoint, pay and satisfy into the said Court, or unto the person or persons whom the Court shall find entitled to receive the same, the amount so awarded, together with such costs and expenses as shall be adjudged against the Company in that behalf. And the payment of the amount so awarded, and Costs, shall forever discharge the said Company, their servants and all persons acting for the said Company, from, and be a bar to, all actions, suits, claims and demands whatsoever, for or in respect of such trespass, damage, loss or injury done, committed, suffered or sustained by the means aforesaid.

XIII. *And be it further enacted*, That the said Judges, and also the said Supreme Court, shall have, with respect to the proceedings touching such appraisement and estimate of damages, by the means aforesaid, and with respect to the taxation and allowance of costs to or against the parties, all necessary discretion, powers and authority; and shall and may inquire into the proceedings, by the oath of witnesses, or otherwise; and shall and may also, on good cause shewn, set aside any such award and appraisement, and either direct the parties appraisers again to view, estimate and decide upon, the injuries and damages complained of; or otherwise, if the Court shall think it expedient, the said Court shall and may nominate other appraisers; and make an order for their making a new appraisement and valuation of the damages arising from the injury complained of; and the appraisers, so nominated, shall be sworn as aforesaid, and the award and appraisement so by them, or the major part of them, made and returned in writing, when confirmed and approved of by the Court, shall be final between the parties, and may be carried into effect as aforesaid. *Provided always and be it further enacted*, that the award made on the second appraisement shall be final and conclusive to all intents whatsoever.

## LIST OF SHAREHOLDERS

*Of the Shubenacadie Canal Company,*

With the number of Shares and Amount subscribed, attached to each Name.

Henry Austen	1	L-25	Robert Brown	2	L-50
Henry Austen, jr.	1	25	John Brown	10	250
Dr. J. F. Avery	2	50	Hon. S. S. Blowers	10	250
Dr. John Adamson	2	50	John H. Braine	2	50
Wm. M. Allen	1	25	Michael Bennett	4	100
Thomas Adams	1	25	Thomas Bauer	1	25
Joseph Austen	2	50	James Black	2	50
S. G. W. Archibald	4	100	Michael Brown	1	25
Dr. Almon	2	50	J. G. Boehner	1	25
Alexander & Thompson	1	25			
Joseph Allison	10	250			
James Allen	1	25			
Samuel Albro	1	25			
			John Clark	6	150
			George Craigen	2	50
			G. B. Creighton	2	50
			W. G. Chapplain	1	25
W. A. & S. Black	10	250	Wm. Crawford	1	25
M. G. Black	10	250	Robt. D. Clarke	1	25
Thomas Bolton	2	50	J. G. A. Creighton	2	50
John Barron	2	50	J. A. Cruickshank	1	25
Barnard Ballard	10	250	Wm. Carritt	4	100
Thomas Boggs	10	250	Samuel Cunard	40	1000
William Bauld	1	25	Hon. Enos Collins	50	1250
Thos. Ott Beamish	1	25	Samuel Chamberlain	1	25
James Bain	4	100	Rev. Mr. Carroll	1	25
Richard Bulger	2	50	Peter Hall Clarke	1	25
Rev. Wm. Black	8	200			
John A. Barry	8	200			
Samuel Bell	1	25			
Robert F. Bigby	2	50			



Wm. M. Deblois	4	L100	Rev. Edwin Gilpin	4	L100
Lawrence Doyle	2	50	Wm. Gordon	1	25
James Dechman, jr.	2	50	Sir Rupert D. George	4	100
C. & E. Dewolf	1	25			
Deblois & Mitchell	8	200	Lawrence Hartshorne	5	125
Adam De Chezeau	2	50	A. H. Holland	2	50
Peter Donaldson	1	25	John Harvie	1	25
W. Donaldson	1	25	Philip J. Holland	1	25
Wm. Donaldson, } (Dartmouth) }	1	25	Bartholomew Haskett	2	50
			David Hare	4	100
			Philip Holden	2	50
			E. J. Hobson	1	25
Adam Esson	2	50	George Handley	1	25
Benjamin Etter	1	25	John Howe, jr.	1	25
John Elliott	2	50	Wm. Hague	1	25
Benjamin Elliott	1	25	J. D. Hawthorne	2	50
			James Hamilton	8	200
			Higgins & Brown	1	25
			Andrew Hall	2	50
			Adam Hemmeon	1	25
			Peter Hay	1	25
			Dr. Samuel Head	5	125
John Farquhar	1	25			
David Fletcher	2	50	George Innis	1	25
A. Fiddes	1	25			
Wm. Foster	2	50			
W. B. Fairbanks	2	50			
A. Folmer	1	25			
Fairbanks & M'Nab	4	100			
Rufus Fairbanks	4	100			
G. T. Fillis	1	25			
James D. Fraser	15	375			
John Fielding	1	25			
A. Farquharson	1	25			
John Farquharson, jr.	1	25	Dr. Lewis Johnston	2	50
Charles R. Fairbanks	8	200	Hon. T. N. Jeffery	40	1000
			Thos. W. James	1	25

His Excellency Sir )  
 James Kempt ) 20 L500  
 Alexander Keith 2 50  
 Wm. Knox 1 25

Henry Lockyer 4 100  
 Leishman & Co. 4 100  
 George P. Lawson 4 100  
 Hugh Lyle 2 50  
 Robert Lank 1 25  
 Peter Lynch 1 25  
 James Lyons 4 100  
 John Lawson 10 250  
 William Lawson 4 100  
 L'Epouse & Hall 2 50  
 Joshua Lee 4 100  
 John Lyndsay 1 25  
 Edward Lowe 2 50  
 Frederick Lohner 1 25

Beamish Murdoch 1 25  
 Mackay & Sinclair 2 50  
 James Marcher 1 25  
 Andrew Mitchell 2 50  
 Andrew M'Gregor 1 25  
 Isaac Mansfield 2 50  
 D. M'Queen 1 25  
 John Munro 1 25  
 Wm. Minns 1 25  
 Wm. Macara 2 50  
 Michael Meagher 1 25  
 Leslie Moffat 1 25

John M'Niel 1 L-25  
 James M'Niel 1 25  
 Peter Morrisey 1 25  
 A. M'Leod 1 25  
 Archibald M'Donald 2 50  
 James M'Grath 1 25  
 Joseph Moore 2 50  
 Miss M'Gregor 1 25  
 Andrew Malcolm 1 25  
 Henry Mott 1 25  
 J. A. M'Curdy 2 50  
 J. W. Madden 3 75

Peter Nordbeck 1 25  
 Col. Nichols, R. E. 4 100  
 Robert Noble 1 25  
 J. W. Nutting 2 50  
 Wm. Newton 1 25

Robert Phelan 1 25  
 E. Peitzsch 1 25  
 Thomas Pyke 3 75  
 William Patterson 2 50  
 Edward Pryor 4 100  
 William Pryor 13 250  
 Miss C. J. Pyke 4 100  
 Joseph Prescott 1 25  
 James Purvis 4 100  
 T. & L. Piers 10 250  
 Hon. C. R. Prescott 4 100  
 James Putnam, Esq. 10 250

John Richardson	1	L-25
James Ross	1	25
James Ritchie	2	50
John Rees	4	100
John Robinsen	2	50
Wm. B. Robertson	1	25
Robert Romans	2	50
C. & W. Roche	1	25
Gasper Roast	2	50
Andrew D. Russell	2	50
Charles Reeves	2	50
J. W. Reeves	1	25
H. Reeves	1	25

Hunter St. Andrews	1	25
James Scott	1	25
Samuel Street	2	50
James N. Shannon	2	50
John L. Starr	2	50
John Skerry	4	100
Dr. J. Stirling	2	50
Messrs. Smiths	2	50
John Starr	8	200
Wm. Strachan	4	100
Wm. Storey	1	25
Wm. Skinner	1	25
J. & D. Starr	2	50
Wm. Sutherland	1	25
John Smith	1	25
George Stirling	1	25
Wm. Stairs.	4	100

John Templeman	1	L-25
James Tremain	4	100
Richard Tremain	4	100
J. & M. Tobin	10	250
J. H. Tidmarsh	1	25
Thos. & M. Tobin	2	50
C. S. Tropolet	2	50
J. Tapper	2	50

Richard J. Uniacke jr.	4	100
James B. Uniacke	2	50

Edmund Ward	3	75
Wm. Wilson	2	50
N. W. White	2	50
John Wallace	10	250
Henry Wright	1	25
Hon. M. Wallace	5	125
Edward Wallace	1	25
James Wilkie	1	25
John Witham	2	50
William Wiswell	1	25
Conrod West	2	50
Edward Warren	2	50
Colin Wilson	1	25
Thomas Wallace	4	100

Henry Yeomans	4	100
Henry Yetter	1	25

1 L-25  
 4 100  
 4 100  
 10 250  
 1 25  
 2 50  
 2 50  
 2 50

**STATEMENT AND ESTIMATE**

*Relating to the Shubenaccadie Navigation.*

THE SHUBENACCADIE CANAL COMPANY was incorporated by Letters Patent, dated 1st June 1826.—PRESENT CAPITAL £60,000, Currency, divided into 2400 Shares of \$100 or L25 each.

Subscribed for in Halifax, 720 shares	L18,000
Grant from Legislature	15,000
	<u>L33,000 0 0</u>

4 100  
 2 50

FIRST SECTION OF CANAL LINE begins in Halifax Harbour, at High Water Surface of medium tides, with Tide Lock of 9 feet depth of water, and rises into Dartmouth Lake by 7 Locks, 69—3-4 feet ; whole distance 1210 yards.

Expense.—viz. Excavation and Embankment,	} L3,718 0 0
37,180 yds. at 2s.	
Lockage—Tide Lock No. 1, rise 12 feet	L3236
Lock No. 2, — 12 —	3000
No. 3, — 9 3	2105
No. 4, — 9 3	2105
No. 5, — 9 3	2105
No. 6, — 8 —	2000
No. 7. — 10 —	2300
	<u>16,851 0 0</u>

Two Draw Bridges,	400 0 0
Raising Dartmouth Mill Dam,	174 0 0
Ten per cent. for Contingencies, &c.	<u>2,114 6 0</u>

Total Expense of First Section, 1210 yds. long L23,227 6 0

3 75  
 2 50  
 2 50  
 10 250  
 1 25  
 5 125  
 1 25  
 1 25  
 2 50  
 1 25  
 2 50  
 2 50  
 1 25  
 100  
 100  
 25

**SECOND SECTION**, begins at South end of Dartmouth Lake, passes through the same, one mile and 1340 yards, and *rises* into Lake Charles by two locks, 26 feet 6 inches, over a distance of 1529 yards in length.

Expense—Excavation and Embankment, } 91,929 yds. at 1s. 3d. - - - - }	L5745 11 3
Retaining Walls 1320 yds. lineal at 10s.	660 0 0
Lock No. 8, rise 13 feet 6 inches	L2990 0
No. 9, --- 13 ---	2990 0
L230 per foot rise	<u>5980 0 0</u>
Ten per cent. for contingencies and removing } all obstructions at Narrows of Dartmouth } Lake, - - - - - - - - - - }	1238 11 1
Total Expense of Second Section—whole dis- } tance 3 miles 331 yards - - - - }	<u><u>L13,624 2 4</u></u>

**THIRD SECTION**, begins at South end of Lake Charles, passes through the same, being **SUMMIT LEVEL**, 2 miles and 1375 yards, and *descends* 31 feet 4 inches by two Locks, into Lake William.

Expense.—Lock No. 10 & waste wear, descent 15 ft. 8 ins. - - - -	L3213 4 4
No. 11 & waste wear, 15 ft. 5 ins.	3113 4 4
	<u>6326 8 8</u>
Dam for Reservoir on Lake Loon, clearing do. &c.	177 12 0
Ten per cent for contingencies, including re- } moving obstructions, - - - - }	650 8 0
Total expense of 3d Section, being 2 miles 1375 yds.	<u><u>L7154 8 8</u></u>

*Note*—The Second and Third Sections are under Contract, and are to be completed by November 1828.

**FOURTH SECTION**, begins at South end of Lake William, passes through the same and Lake Thomas, 6 miles and 240 yards, *descends* 12 feet into Fletcher's Lake; passes through the same, 2 miles 1112 yards, and *descends* 9 feet into the Great Lake, which is 9 miles long and a mile and upwards wide.

Expense.—Lock No. 12 & waste wear,			
descent 12 feet, - - - - -	L3051	4	4
No. 13 & waste wear, 9 feet, - - - - -	2070	1	9
		5121	6 1
River Excavation, 7040 cubic yds. at 1s. 3d -	440	0	0
Two Drawbridges, - - - - -	230	0	0
Ten per cent. for contingencies - - - - -	579	2	7

Total expense of 4th Section, 8 miles and 1375 yds. L6370 8 8

**FIFTH SECTION**, begins on Great Lake at South end, extends through the same 5 miles and 880 yards, to outlet of the River Shubenaccadie: *descends* same 3 miles to Lock and Waste Wear under Hall's bridge; *falls* there 10 feet, pursues river course 2 miles and 1366 yards, to Lock and Waste Wear above Tremain's bridge, *falls* there 10 feet, pursues channel 12—1-2 miles to Parker's Point; *falls* there 10 feet, and thence *descends* River 15 miles and 200 yards to its mouth.

Expense.—Lock No. 14 & waste wear,			
descent 10 feet - - - - -	L2500	0	0
No. 15 & waste wear, 10 feet - - - - -	2500	0	0
No. 16 and do. Tide Lock 10 feet	2500	0	0
		7500	0 0
Waste Wear at Parker's - - - - -	1036	15	0
Cutting through the Point, 12,358 yards at 1s.	617	19	0
Two Drawbridges - - - - -	230	0	0
Removing obstructions and Stones in River, -	440	0	6
Extra Drawbridge at Parker's Point, - - - - -	193	15	0
Improvement of River, by piers, &c. below	1072	10	0
Parker's Point, - - - - -			
Ten per cent for contingencies, - - - - -	1131	13	10

Total expence for 5th Sec. 38 miles and 1486 yds. L12,448 13 4

## RECAPITULATION.

Capital of Company. . . . . £60,000 0 0

Distance Locks.	miles	yards	feet.	inches	Expense.	Provl. Grant
First Section	2	881	69	6	£24,173 12 0	£2000
Second do.	2	1375	26	6	13,706 1 7	3000
Third do.	2	1375	31	4	6959 1 5	3000
Fourth do.	2	1375	21	0	6621 4 7	4000
Fifth do.	3	1486	30	0	12,448 13 4	3000
					15,000 0 0	
					£63,908 12 11	£75,000 0 0

Total length,	53	1024	178	4	£63,908 12 11
Engineer for Four Years,					3200 0 0
Expense of Lands, &c.					1000 0 0
Expense of Management, and Incidental Expense,					1200 0 0
Extra Rock Excavation—Second Section,					800 0 0
Steam Boats, Wharves, Lock-keepers Houses, &c.					4891 7 1
					£75,000 0 0

Halifax, Nova Scotia, January 1, 1828.

FRANCIS HALL, Engineer.

# BYE LAWS

AND

## ORDINANCES

OF THE

*SHUBENACCADIE CANAL COMPANY.*

AT a General Meeting of the Proprietors in the Shubenaccadie Canal Company, convened by public notice given in the Gazette Newspaper, and held at the Exchange Coffee House in Halifax, on Thursday the twenty-first day of February 1828; by the consent and agreement of the major part of the said proprietors present,— and for declaring, making and establishing the Bye Laws, Rules, Constitution and Management of the said Company, and the affairs and business thereof; it was and is ordained, declared, constituted and enacted; in manner following, that is to say :

I. **THE SHUBENACCADIE CANAL COMPANY** is constituted, by and under the Charter or Letters Patent of Incorporation, dated the first day of June 1826; granted under the Great Seal of Nova Scotia, to the Honorable Michael Wallace and his Associates, pursuant to the Act of the General Assembly of Nova Scotia, therein recited, and entitled “an Act to authorise the Incorporation of a Company, for making a Canal by the river and lakes of the Shubenaccadie.” The Company is entitled to and bound by all the authorities, privileges, rights and conditions expressed in the said Charter, and Act therein recited, as also those contained in the Act of the last Session of the General Assembly made in addition thereto. The Subscription papers or agreements, made in the year 1826 with the Honorable Michael Wallace, are recognised and adopted as the original instruments of association of the parties incorporated by the Charter.



2. The objects and purposes of the Company, and the undertaking for which it is formed, are:—to make open and complete a Navigable Canal or Water Communication, of the depth of eight feet at the least throughout, and of a proportionate breadth from the Harbour of Halifax to the Basin of Mines, by means of and through the Dartmouth Lakes, and the Lakes and course of the River Shubenaccadie, or as near thereto as may be expedient,—so as to form a navigable Channel and Canal for the passage of Boats and Vessels, to and from the Harbour of Halifax and the Basin of Mines respectively:—To construct all the Locks, Reservoirs and works necessary to this Navigation:—To provide and erect all Machinery, Bridges and Buildings proper or necessary therefor:—to procure all lands and other conveniencies for the profitable use thereof:—To keep the whole in repair:—and to take the Tolls, Income, and Benefits of the Navigation for the common profit of this Company.

3. The Capital or Joint Stock of the Company is fixed by the Charter (with power to enlarge it) at SIXTY THOUSAND POUNDS Currency of Nova Scotia, divided into twenty four hundred equal Shares, of twenty five pounds each—No Share shall be divisible, nor less than a whole share be subscribed for or transferred. The shares shall be numbered in regular progression, and be thenceforth distinguished by their appropriate numbers.

4. Every Share, now or hereafter to be subscribed for, taken or held in the Company, by any person or persons, Bodies politic or corporate, in their own right, or as Successors, Executors, Administrators or Representatives, of or to the first or preceding holder or subscriber, constitutes the party holding the same, whether male or female or consisting of one or more individuals, a Proprietor in the Company; and being so taken and held is absolutely vested in such Proprietor, for his her or their use and benefit, and renders such Proprietor subject and liable to and chargeable with the payment, to the Company, of the sum of twenty-five pounds in the whole, on and for such Share, and in and by the calls or proportions that have been or may be assessed thereon; and entitles such Proprietor paying the same, to a just and due proportion, on such Share, of the profits and property of the Company. But no Share held in Mortgage shall entitle the holder to be present or vote at meetings of the Company. And where a share is held by more than one individual, every vote thereon shall be given by that one of the joint Proprietors present at the Meeting, who shall be *first* named in the Registry of the Share.

5. The Shares are moveable or personal property, and may descend to Representatives, or be disposed of by Will, or be sold and transferred in the manner hereinafter provided, or be transferred by Act or operation of Law. But if the proprietor of any share become indebted to the Company for calls or otherwise, all shares held by such Debtor and the profits arising therefrom, are hereby declared burthened with and subject and liable to and pledged for such debt, preferably to every Assignee, Creditor, or Representative of such proprietor; and the same may be applied by the Directors accordingly.

6. The whole business, affairs and concerns of the Company, are intrusted to and shall be managed by a Committee of Management or Board of Directors, twelve in number, consisting of the President, the two Vice-Presidents, and the nine other Directors named in the Charter; and of their respective successors chosen in the manner hereinafter provided. The Secretary of the Company named in the Charter and his Successor for the time being, whether present at its meetings or otherwise, acts as Assistant to and under the control and direction of this Board. Seven Members of the Board are competent to the transaction of any business whatsoever.

7. The Board of Directors shall meet together for the business of the Company *once* at the least in every month: and also whenever the President directs, or any member of the Board requires, it to be assembled. The time and place of each Meeting shall be fixed by the senior member of the Board as named in the Charter or elected, and a written notice thereof signed by the Secretary or Clerk, shall be delivered to each member, or left at his usual place of business or abode at latest on the day preceding the meeting.

8. If within one hour after the time fixed for the meeting, seven members fail to attend; the meeting is dissolved until a new notice is given therefor.

9. Every vacancy in the office of President or Vice President, shall be forthwith supplied by the Directors from among their own number.

10. The Seal now prepared and used by the Board, is declared the Common Seal of the Company. All Deeds, Obligations and Instruments sealed therewith, and signed by the President or a Vice-President and the Secretary, shall bind and charge

the Company and the Joint Stock Funds and Property thereof.

11. At all meetings of the Company and of the Board of Directors, the President, and in his absence one of the Vice-Presidents, and in their absence the Senior Director named in the Charter or chosen to that office, shall preside and be Chairman of that Meeting; and shall not only have a deliberative Vote or Votes as a Member, but, in case of equality of Votes on any question or election, shall have a casting Vote besides. Every question shall be decided by a majority of votes. Every such Meeting may be adjourned from time to time and from place to place; and if desired the names of the Members voting on any question, shall be taken down and entered.

12. The orders and proceedings of every Meeting of the Company or Board of Directors, and names of the parties present thereat, shall be entered by the Secretary, or person approved by the Board attending for him, in a Book to be kept for that purpose; and shall then be signed by the Chairman of the Meeting and Secretary or Clerk; and being so entered and signed, shall on all occasions be taken allowed and read as the original votes, orders, and proceedings of such meeting.

13. A proper Book for the registration of the Shares in the Company, shall be prepared and kept by the Secretary, wherein shall be entered fairly and distinctly the names and designations of every Proprietor in the Company, and the number of his Shares, with their respective distinguishing numbers. Also the names and designations of the respective Assignees or Representatives, to whom such Shares respectively may be transferred or devolve, with the dates of the transfers. This Book or Books shall be called the Register.

14. A Ticket or Stock Certificate, in the form prescribed by the Board, and under the Common Seal and Signatures of the President or a Vice President and Secretary, shall be prepared for each Share, and bearing the same number and the name of the same Proprietor as shall stand registered thereto, and on request shall be delivered to such Proprietor: and constitute on all occasions, full evidence of his or her title to the Share specified therein, until a transfer thereof be registered; but the want of such Ticket shall not preclude the registered Proprietor from selling or transferring such share, or from receiving his due proportion of the profits of the Company.

15. Every transfer of a Share shall be made in writing in such form as the Board shall prescribe ; it shall be signed by the Proprietor or his Agent, or other person lawfully authorised to convey the same, and shall be accepted under the signature of the Assignee or his Agent. The Stock Certificate shall also, if in the possession of the party transferring, be indorsed by him and be delivered to the Assignee ; and upon production of the Instrument of Transfer at the office of the Company, or to the Secretary, he shall register the same and deliver if required, to the Assignee, a new Certificate in his name, or the old Certificate with the transfer endorsed thereon. The Board shall prescribe the form, and decide on the sufficiency of Letters or Powers of Agency for transfers, and the validity of transfers ; and no transfer shall be complete until Registered. Until that Act the Share belongs to the Proprietor on the Register.

16. Every Assignee and Successor to any Share or Shares in this Company, shall be subject to all the Bye Laws and Ordinances thereof, in the same manner as if they had subscribed the Deed or Instrument originally signed by each Proprietor ; and the acceptance and registration of every transfer, constitutes the Assignee a Proprietor in the Company for the Share transferred, and to the same extent, and with the same rights and liabilities as the former proprietor ; but such Assignee shall not vote until ten days after the registry of such transfer.

17. No Share shall be transferred until twelve pounds ten shillings are paid thereon ; and after any call or calls made, no transfer shall be registered until all arrears on such Share are discharged.

18. An annual General Meeting of the Proprietors shall be held yearly in the month of February, at some day and place to be appointed by the Board, for the choice of Officers, the consideration of and to discuss and consult upon the affairs, state and condition of the Company, the making, altering or repealing the Bye Laws and Ordinances of the Company, and for the general superintendance of the affairs and business thereof:—Also to exercise all the Powers, Privileges and Authorities by the Charter and Acts aforesaid, vested in the Company, and not committed to the Board of Directors. Special Meetings of the Proprietors for any particular purpose or business, shall also be held, when desired by the Board or by any one Member thereof, or by a requisition therefor, signed by ten Proprietors : the time and place for such Special Meetings shall be fixed by the Board, but the time shall not exceed ten days from the receipt of the requisition therefor.

19. Thirty Proprietors, holding at least One Hundred Shares, are necessary to constitute an Annual or Special General Meeting. Proxies are not included in this number. And if that number of Proprietors holding at least One Hundred Shares, do not attend within one hour after the time fixed for the Meeting, the senior Member of the Board, or if no Director be present, the Secretary or Clerk shall adjourn the Meeting to the legal next day at the same hour; and if on the second day the necessary number of Proprietors be not present within an hour after the adjourned time, the Meeting shall be dissolved for a new summons.

20. Every Meeting of the Proprietors shall be called by public Advertisement in the Gazette, and by written Notices delivered to each Proprietor or Proprietor's Proxy, residing in Halifax or its Vicinity, or left at his usual place of abode or business. The day, hour and place of meeting to be also specified, and if the Meeting be special, the purpose of calling it. The advertisement to be inserted at least six days before the day of Meeting, and the Notices to be given at latest on the day preceding it.

21. At a Special Meeting or the adjournment thereof, no Business shall be transacted except that for which it was summoned.

22. At each Meeting the Proprietors may Vote in person, or by a proxy constituted by such Instrument as the Directors shall prescribe or approve. The Proxy of a Proprietor, resident in the Province, must be a Proprietor entitled to Vote. The Proxy of a Proprietor, resident out of the Province, may be a Proprietor or any other individual. No person can hold more than five proxies for such Proprietors resident in the Province. Proxies for non residents are unlimited.

23. Every Proprietor and Proxy shall have Votes at every Meeting, according to their respective Shares, and in the following proportions—that is to say :

One Vote for 1 Share,	Six Votes for 20 Shares,
Two Votes for 4 Shares,	Seven Votes for 25 Shares,
Three Votes for 8 Shares,	Eight Votes for 30 Shares,
Four Votes for 12 Shares,	Nine Votes for 35 Shares,
Five Votes for 16 Shares,	Ten Votes for 40 Shares,
	and upwards.

24. All arrears due on any Share, for calls made thereon and in arrear for sixty days, must be paid up before the Proprietor can Vote thereon

25. The books of the Company shall be balanced up to the 31st day of December 1828, and on the 31st December yearly thereafter. And a Statement or Abstract of the Company's affairs, debts, credits and engagements shall be made up, between that day and the Annual Meeting, by a Committee of the Board of Directors, and shall be examined and signed by such Committee, after being approved by the rest of the Board. And upon the day appointed for the Annual Meeting, such Balance and Abstract, with full and explicit information and details concerning the same, and the state and progress of the Company and undertaking, shall be presented and submitted to the Proprietors for their examination and inspection; and the particulars thereof shall be read, or stated, or explained by the Chairman at the Meeting:—and the Proprietors thereat shall, if they think proper, appoint a Committee of not less than two nor more than five Auditors, for auditing, examining and reporting upon such Balance, Abstract, and Statements, at a future meeting to be called for the purpose. The Auditors shall have such assistance as they think proper to require from the Board and Officers of the Company, and have free access to all Books, Accounts, Vouchers and Papers necessary for their audit.

26. On the first day of March 1828, and on that day in every succeeding year, three Members of the Board of Directors for the time being, shall go out of office according to such regulation as the Board shall prescribe therefor. The Members, whose seats thus become vacant, shall be ascertained previous to and be reported at the Annual Meeting, and shall not be re-elected until the succeeding Annual Meeting.

27. The Office of any present or future Member of the Board, and of the present or future Secretary, is declared vacant by death, resignation, permanent removal from the Province, or by the officer ceasing to hold a Share in the Company. The office of Secretary may also be declared vacant by Vote of the Annual Meeting.

28. Every Vacant Office shall be supplied by the election of a Proprietor; such Election may be made at a Special Meeting, if the Vacancy occurs after the Annual Meeting, and previous to the Thirty-first day of December in any year; otherwise it shall take place at the Annual Meeting. At the Annual Meeting persons shall be elected to supply the place of the Members of the Board who annually go out of Office,—also persons to supply the other elective Offices of the Company, not previously supplied. The Officers elected at the Annual Meeting enter upon their Office on the first day of March in every year.

29. The Board of Directors for the time being, of the Company, shall have full power and authority to meet and adjourn from time to time and from place to place as they shall think fit; and also to direct, manage and transact the affairs and business of the Company, as well in issuing, laying out and disposing of all Sums and Sums of Money, to be issued, laid out, or disposed of for the purposes of the same,—as in making, cutting, opening and completing the said Canal or Water Communication from Halifax Harbour to the Basin of Mines, in the manner and for the purposes specified in the Charter, and Acts of the General Assembly relating to the same; in entering into, making and fulfilling any contracts or agreements with the Present Contractor or any other or future Contractors, for the making, digging, and completing the said Canal and the Works thereof; in purchasing, hiring, contracting for and obtaining for the use of the Company, any Messuages, Buildings, Lands, Waters, Hereditaments, and privileges whatsoever; in erecting and building Locks, Lockgates, Basins, Sluices, Embankments and other Canal Works, Toll Houses, Gates, Bridges, Tracking-paths, Boats, and all other Erections and Buildings whatsoever; and in providing, furnishing and erecting any machinery, implements or utensils, and any steam or other engines, and tools, tackle and conveniencies necessary or proper for the opening, completing and beneficially using and enjoying the said Canal and the Works thereof; in letting, selling and disposing of any of the property, buildings, lands and privileges of the Company; in making and using all Tunnels, Ways, Roads, and Rail-Ways; and in executing and carrying into effect the said undertaking, and the several objects, intents, and purposes of the Company; and in otherwise ordering, directing, and employing Works and Workmen, and selling and disposing of any goods, matters, products and things to be made, obtained, arise or proceed thereby or therefrom; and in making, enforcing and carrying into effect, all contracts and bargains touching or concerning the same:—Subject nevertheless to such Orders, Bye-Laws, Rules and Regulations, as are herein or shall at any time be duly made by the said Company or other lawful Authority, in constraint, control or regulation of the powers and authorities by these present or any other Bye Laws, vested in and granted to the said Board.

30. The Board of Directors shall and they are hereby authorised and empowered from time to time, to nominate and appoint one or more Banker or Bankers; and also a Clerk to the said Company subordinate to the Secretary thereof; and one or more Receiver or Receivers, Collector or Collectors of all Sums of Money pay-

able or to become due and payable to the Company—and also such Engineers, Surveyors, Officers, Clerks, Agents and Servants (except as aforesaid) as the Board shall think proper and expedient for the purposes, objects, and business of the Company ; and also from time to time to alter and change, dismiss and discharge any of the said Bankers, Clerk, Receivers, Collectors, Engineers, Surveyors, Clerks, Officers and Servants as there shall be occasion. The same power to dismiss or discharge Officers shall belong to a General Meeting.

31. The Board shall be authorised when and so often as they may see occasion to demand and take from the Secretary, Clerk Receivers, Collectors, and other Officers and Servants of the Company, such Bonds and Obligations for the due and punctual performance of their respective duties and payment of the Monies and funds of the Company, and with such sureties and under such penalties and engagements, as to the Board may seem expedient or reasonable, and to alter, change, release and renew or enforce the said Bonds and Obligations respectively.

32. The Board shall and they are hereby empowered from time to time, to make levy and assess upon the several and respective Shares taken, subscribed for or held in the Company, and upon the respective proprietors thereof, such and so many Calls, Rates, and Assessments as the Board may deem it proper or expedient to make, for the collecting and getting in the Amounts now, or from time to time to be subscribed for and contributed to the Capital or Joint Stock of the Company : each Call being limited to fifty shillings or ten per cent. on each Share, and an interval of Sixty days at least intervening between each Call.

33. The said Board shall and may from time to time make, establish and put in execution all such Rules, Orders and Regulations as they may deem proper or expedient, for the well and orderly using the said Canal or Water Communication, and the Tunnels, Locks, Sluices, Aqueducts, Railways, Paths, Feeders, Wells, Trenches, Reservoirs, Dams, Wharves, Gates, Bridges, Culverts, Engines and other Works thereto belonging ; and for regulating the commencement, continuance, cessation, suspension, turn and order of the passing and repassing and navigating of all Vessels, Boats, Barges, Rafts, Persons, Carriages and Articles whatsoever ; and the structure, dimen-



sions, form and manner of building and constructing of all such Vessels, Boats, Barges and Rafts, as from time to time shall be used upon the said Canal or Water Communication, towing paths, roadways or wharves ; and of the Oars, Poles, Wheels, Engines, and other Implements to be used about or with the same respectively ; and the carrying of all Goods, Wares, Merchandize, Articles and things whatsoever which shall be navigated or conveyed thereon ; and for the orderly behaviour of all Bargemen, Watermen, Boatmen and others who shall be employed in carrying or conveying any such Goods, Articles or things whatsoever ; and for the superintendance and management of the said Canal in all other respects whatsoever ; and from time to time to alter and repeal such Rules, Orders, and Regulations or any of them—and to impose and inflict such reasonable forfeitures of wages, upon all persons offending against such Rules, Orders and Regulations, for any offence as to the said Board of Directors for the time being shall seem meet and expedient.

34. All Rules, Orders and Regulations so to be made as aforesaid by the Board, being reduced into writing and signed by the President and Secretary and sealed with the seal of the Company, shall be binding upon and be observed by all Members, Officers and Servants of the Company, and all other Persons using or in any wise concerned in the said Works. Provided that such Rules, Orders and Regulations of the Board be not repugnant to, or in violation of the provisions, conditions, and restrictions of the Charter and the Acts and Statutes of the Province, passed or to be passed in relation to the said undertaking : and Provided the same be confirmed as the Bye Laws, Rules and Regulations made by the Company are required to be confirmed. And Provided also that copies of such Rules, Orders and Regulations so to be made by the Board, or such of them as shall concern or relate to the using of the said Canal and Works ; and the Locks, Reservoirs, Aqueducts, Roads, Ways and Appurtenances belonging thereto ; or to the conduct and behaviour of Bargemen, Watermen, Boatmen or others conveying goods thereon ; or to the conduct and behaviour of any Officers, Servants or other persons employed in or about the said Canal or Works, or of the persons resorting to or making use thereof, shall be written or printed in large characters, and be affixed and continued in some conspicuous place or places upon or near adjoining all the Locks and Wharves on the said Canal, and be renewed as often as the same shall be obliterated or defaced.

35. The said Board of Directors shall have power and authority in case they shall think it meet and expedient so to do, to borrow and take up at Interest or otherwise, and raise any part or parts of the said Original Sum or Capital of Sixty Thousand Pounds on the credit of the said undertaking, by Assignment of any Rates, Calls, or Assessments on the Proprietors, or by assignment or transfer of any number of the Shares in the Company not taken up or subscribed for, or in any other way or manner by which the Funds, Property, Shares or Capital or Joint Stock of the Company may be made available for the security of the persons advancing or lending Money to the Company. Also to agree for, fix and settle the rate of Interest on such loans, and the time and terms and manner of payment, and the nature and form of the Conveyances and Instruments to be executed for such borrowed Money. Also to consent and agree to any condition or charge upon the funds, effects, Property and Shares of the Company in every case where in consideration of such condition or charge, any monies profit, notes or beneficial interest or advantage to the Company may be at any time and in any manner lent, given, or advanced to or vested in the said Company; and all Monies so raised, taken up on interest, borrowed or obtained by the Board for the purposes of the Undertaking, and all accruing Interest thereon, and all charges and conditions under which monies, powers, privileges or benefits as aforesaid may be conferred on the Company, shall to all intents and purposes whatsoever, bind, charge and oblige all the Stock, funds and property of the Company, or so much thereof as shall be so mortgaged, assigned or made chargeable as aforesaid, and shall so far as regards any money thereby borrowed and secured at Interest, be and become preferable securities against the Company, and be paid or provided for before any yearly Dividends of Profits can or may be ordered or paid to the Proprietors. Provided always, that by reason of any such Loan, Charge or Mortgage, no greater sum than Twenty-five Pounds, the original amount of each Share can or shall on any pretence be levied thereon.

36. The Board of Directors shall likewise have power and authority by Deed or Writing, under the Seal of the Company, subject to revocation by the Board to nominate, empower and appoint any Person or Persons to act for and be the special Attorney of the Company, for special purposes out of this Province, as well for making, agreeing to or negotiating any affairs, business, contracts or agreements on behalf of the Company; as for entering into, making, signing, executing and delivering for and in the name of the Company, any Deeds, Writings, Securities, Con-

tracts, Obligations, Mortgages or other Papers whatsoever, which the Board may have power or find it necessary to do and execute by Attorney. The Board may also appoint an Attorney in this Province to appear for and represent the Company in any Courts and upon any business or occasion, and before any Judges or Persons whomsoever—and to sue, prosecute or defend any actions, suits or proceedings in which the Company may be concerned or interested. And it is hereby declared that all Acts, Deeds, Securities, Writings and Engagements, signed, entered into or made by such Attorney or Attornies, conformable to the instructions of the Board, shall be valid and effectual and bind the Company, notwithstanding the Seal thereof and Signatures of the proper Officers be not set thereto ; and all other the lawful proceedings and doings of such Attorney, under the letter of Attorney given by the Board shall stand ratified and confirmed.

37. If any one of the Members of the Board absents himself for four successive Monthly Meetings of the Board, without leave thereof, the other Members may if they think proper, at a Special Meeting of the Board, declare the seat of the Member so absents himself to be vacant.

38. Towards raising the Capital or Joint Stock of the Company, and the funds for carrying on the said Canal and undertaking, the present and future proprietors in the Company shall, and they are hereby required to pay to the Secretary or Officer appointed to receive the same, the amount of the Shares by them respectively subscribed for, taken or held therein, at such times and by such Calls, Instalments and Contributions, as have been or shall be required or appointed by the Board of Directors, and according to the several Rates or Assessments made or to be made on each Share ; and in case of default by any Proprietor in making payment of any such call or assessment at the time or date when the same is appointed to be paid or within at least thirty days thereafter, the said Board shall and is hereby required in the name of the Company or otherwise, to sue for and recover the same by action or suit at Law, or otherwise against such Proprietor making default, or, in the option of the said Board of Directors, to declare the Share on which any such call or assessment shall be unpaid, *forfeited* to the Company, and the Proprietor failing to pay as aforesaid, to be a Defaulter in respect of such Share and no longer a Proprietor in the Company in respect thereto ; and if the Board adopt the alternative of declaring the Share forfeited in preference to proceeding for recovery of the arrears by action or suit against the Defaulter, then the Share so declared forfeited for non payment

of the arrears due thereon shall and may be sold at any time at public auction, after being advertised for thirty days in the Gazette Newspaper at Halifax, and shall be conveyed to the Purchaser by a Transfer, to be executed by one of the Vice Presidents, who are declared the proper Officers for this purpose; and the Board shall be entitled to receive and discharge the price for which such share shall so be sold, and shall out of the price pay off and satisfy the expenses of the sale, and the arrears due on the share when sold with the Interest since the calls were due; and account for and pay over the surplus when demanded to the Deficient Proprietor; and thereupon all further claim of such Proprietor and his Representatives shall, in respect of the Share so forfeited, upon the Company and the Capital Joint Stock and funds thereof, be and stand entirely discharged and extinguished. Every such Proprietor, deficient or making default, ceasing from the moment of the Sale to be (in respect of the share sold) a Proprietor in this Company.

39. The Board shall fix and appoint the amount or extent of every Call or Assessment, payable on each Share and the time of payment thereof. Notice thereof shall be advertised in the Gazette Newspaper at Halifax for thirty days, preceding the time fixed for the payment; and shall also be delivered to each Proprietor or his Representatives, or be left at his or their last or usual place of abode; if in Halifax or its Vicinity, Twenty days at the least before the day of payment. The Notice delivered or left for each proprietor, shall specify the number of Shares held and sum to be paid thereon.

40. The forfeiture of a Share is *incurred* by non payment of a Call in Thirty days after the time fixed in the Notice, for paying the same; but *must* be declared by the Board at some Meeting thereof held after Sixty days from the time such forfeiture is incurred. Before declaring the *same* the sufficiency of the Notice is to be ascertained and decided on by the Board. Upon the forfeiture being so declared, the Share forfeited vests in the Company until it be sold and transferred, unless the defaulter pays the amount due before the Sale.

41. Whenever more Shares than one are held by a Proprietor who is declared a Defaulter for the arrears thereon, no greater number of the Shares of such Defaulter shall be sold than will suffice to pay the arrears due on all his Shares *collectively*, together with the Interest on the arrears, and the expenses of Sale; and on these amounts being paid and satisfied, either by sale of part of

the forfeited Shares or otherwise, the remainder thereof shall revert to and again vest in the defaulting Proprietor, and become his property in the same manner as if no forfeiture had been incurred.

42. In all cases wherein it may be requisite or necessary that any Notice or Notices, Writ or Writs, or any legal proceedings, shall be served upon the Company, the service thereof upon the Secretary of the Company, or the President, or a Vice President, or any Director of the Company, shall be deemed good and sufficient service upon the Company.

43. At each Annual or some Special Meeting, in every year after the completing and making navigable the said Canal and Water Communication, there shall be made, if the clear receipts and gains of the Company admit thereof, and the Proprietors shall so adjudge thereof, a dividend or dividends of the clear residue of the gains, profits and advantages acquired during the preceding year; after deducting from the gross receipts, the payments, salaries, outgoings and other expenses of the Company or incurred thereby; and such dividend or dividends shall be at and after the rate of so much for every Share held by the Proprietors thereof, their Executors, Administrators, Successors and Assigns, as such Meeting or Meetings shall think fit to appoint and determine.

44. No Dividend whatsoever shall on any pretence be made, whereby the Capital of the Company shall be in any degree reduced or impaired—nor shall any Funds or Money, granted by the Legislature or otherwise in aid of the undertaking, be the subject of any dividend among the Proprietors.

45. All Acts, Votes, Resolutions, Calls, Assessments, Contracts and Proceedings of the Association before the Charter, and of the Company since the same, or of the Board of Directors, heretofore had, made, agreed to or taken, are hereby severally and respectively adopted, ratified and confirmed, in all respects and to all intents whatsoever, as the Acts and proceedings of this Company.

Thus done, resolved, passed and agreed to at Halifax, Nova Scotia, on the day and in the year first above written.

## AN ACT

### TO AID THE SHUBENACCADIE CANAL COMPANY.

**WHEREAS** the early completion of the Shubenaccadie Canal or Navigation, will essentially promote the Trade and Agriculture of this Province.

And whereas in addition to the funds already obtained by the Shubenaccadie Canal Company, towards their said Undertaking; it is estimated that a further sum of Fifty Thousand Pounds, will be required to complete and open the said Navigation, from the Harbour of Halifax to the Basin of Mines.

And whereas towards aiding the said Company, to raise by Loan or by Subscriptions to the Capital Stock thereof, the said amount of Funds still required for the purposes aforesaid; it is expedient to guarantee and assure to those, who shall advance, lend or subscribe for the said Funds or any part thereof, a reasonable Annual Interest on their advances for a limited period.

Be it therefore Enacted by the Lieutenant Governor, the Council and Assembly, that in each and every year for the space of ten years, commencing on the first day of January, One Thousand Eight Hundred and Thirty, and ending on the first day of January One Thousand Eight Hundred and Forty; it shall and

may be lawful for the Governor, Lieutenant Governor or Commander in Chief for the time being, to draw by Warrant on the Treasury of this Province, for such sum of money—not exceeding in the whole in any one year, the sum of One Thousand and Five Hundred Pounds Currency, as will suffice to make good, pay and satisfy unto all such persons, as shall hereafter lend or advance to the said Company, any sum or sums of money towards raising the Funds aforesaid; or who shall hereafter subscribe for and take Shares in the Capital or Joint Stock of the said Company, towards raising the funds aforesaid, the just and full Interest of Five Pounds per Centum per Annum, on their said respective loans or subscriptions;—or so much and such Balance of the said Interest at the Rate aforesaid, as the Dividends from time to time to be declared and made by the said Company, of the nett profits and gains annually to arise from the said Navigation, shall leave unpaid and unsatisfied to the Parties lending or subscribing for the funds aforesaid.

And be it further Enacted, that this Act shall be unto all future Subscribers for Shares in the said Company, and to all who shall lend to the said Company any part of the Funds so required to the amount aforesaid, a public pledge and guarantee that they shall severally receive in every year, an Interest of Five per Cent. at the least on the sums advanced or subscribed by them, for and during the said space of ten years, but no longer; nor for a greater annual amount than One Thousand and Five Hundred Pounds.

Provided always, and be it further Enacted, that the Guarantee hereby given, shall not in any way extend to the present Stockholders in the said Company, on the Shares they now hold therein.

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