

## Technical and Bibliographic Notes / Notes techniques et bibliographiques

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

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

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

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

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

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

No. 32.

(PRIVATE BILL.)

---

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

---

## BILL.

An Act to Incorporate a Company to  
construct a Ship Canal at Sault Sainte  
Marie.

---

Received and read a first time, Wednesday, 1st  
September, 1852.

Second reading, Wednesday, 15th September,  
1852.

---

Hon. Mr. ROBINSON.

---

QUEBEC:

PRINTED BY JOHN LOVELL, MOUNTAIN STREET.

**B I L L.**

**An Act to Incorporate the Sault de Sainte Marie Canal Company.**

**W**HEREAS Allan MacDonell, John G. Bowes, John Cameron, Charles Jones, Joseph Beckett, Joseph C. Morrison and others, have petitioned the Legislature to be incorporated for the purposes of this Act; And whereas the improvement and advancement of the Province generally will be greatly benefited by the construction of a Ship Canal around the falls of the Saint Mary River: Be it therefore enacted, &c.,

That Allan MacDonell, John G. Bowes, John Cameron, Charles Jones, Joseph Beckett, and Joseph C. Morrison, or either of them, together with all such persons as shall become Stockholders of any share or shares in the undertaking hereinafter mentioned and authorised to be carried on, shall be, and are hereby ordained, constituted and declared to be a body corporate and politic, in fact, and by the name of the *Sault de Sainte Marie Canal Company*, and by that name they and their successors, shall and may have, continued succession, and by such name shall be capable of contracting and being contracted with, of suing, and being sued, pleading and being impleaded, answering and being answered unto, in all Courts and places whatsoever, and in all manner of actions, suits, complaints, matters and causes whatsoever; and that they and their successors, may, and shall have a common Seal, and may change and alter the same at their will and pleasure, and also that they and their successors by the name of the *Sault de Sainte Marie Canal Company* shall be in law capable of purchasing, having and holding to them and their successors, any estate, real personal, or mixed to and for the use of the said Company; and of letting, conveying, or otherwise departing therewith for the benefit and on account of the said Company, from time to time, as they shall deem necessary and expedient.

Certain persons in incorporated as the Sault Sainte Marie Canal Company.

Corporate name and powers.

II. And be it enacted, that the said Company and their agents and servants, and workmen, are hereby authorized and empowered to enter into, and upon the lands and grounds of and belonging to Her Majesty the Queen, her Heirs, or Successors, or to any other person or persons, bodies politic or corporate, or to survey and take levels of the same, or any part thereof, as they shall deem necessary and proper for making the said canal; and to take and appropriate, have and hold, to and for the use of the said Company, and their successors, lands sufficient for the construction of the said Canal, with its necessary locks, tow-paths, basins, ware-houses, and other erections as may be required by the said Company for the purposes aforesaid; and to purchase the same, to and

Company may enter into and take Lands.

**Proviso.** for the use of the said Company ; Provided always, that nothing herein-  
before contained shall extend or be construed to extend to compel the  
owner or owners of any lands, to sell, convey, or otherwise depart with  
the same, to the said Company without a reasonable compensation  
therefor, and the said Company are hereby empowered and authorized; 5  
**Power to do certain things and to construct certain works.** to make one or more reservoirs, feeders, tunnels, and aqueducts, and all  
such other matters and conveniences, as they shall think proper and  
necessary for making, effecting, preserving, improving, completing and  
using, in the constructing and completing the said extended Canal ; and  
also, to bore, dig, cut, trench, remove, take, carry away and lay earth, 10  
soil, clay, stones, rubbish, trees, beds of gravel, or sand, or any other  
matter or thing, which may be required in making such Canal ; or in  
making any reservoir or reservoirs, feeders or aqueducts, out of any  
lands or grounds of any person or persons, communities or bodies cor-  
porate or otherwise, adjoining or lying contiguous thereto, and which 15  
may be proper, requisite or convenient for carrying on continuing or repair-  
ing the said Canal, or other of the said works, or which may hinder,  
prevent or obstruct the making, using, completing or maintaining the  
same ; and also, to make, build, erect and set up wharves, quays, land-  
ing places and all other works, ways, roads and conveniences, as the 20  
said Company shall think requisite ; also, from time to time to widen  
and enlarge the same ; as well for the carrying or conveying goods,  
commodities, timber and other things, to and from the said Canal, as  
for the carrying or conveying of all manner of materials necessary for  
the making, erecting, furnishing, altering, repairing, extending, leveling, 25  
or enlarging the works of, or belonging to the said Canal.

**May bargain & agree with owners of lands.**

**III.** And be it enacted, That the Directors of the said Company shall  
be, and they are hereby empowered to contract, compound, compro-  
mise and agree with the owners, and occupiers of any land, through or  
upon which they may determine to cut, and construct the said intended 30  
Canal, with all necessary and convenient locks, towing-paths, rail-  
ways, and other erections and constructions, contemplated by this Act  
to be cut, constructed and built, either for the absolute purchase of so  
much of the land, as they shall require for the purposes of the said Com-  
pany, or for the damage which he, she, or they may be entitled to recover, 35  
in consequence of the said intended Canal, and other constructions or  
buildings upon his, her, or their respective lands, and in case of any dis-  
agreement between the Company and the owner or owners, occupier or  
occupiers of such land as aforesaid, it shall and may be lawful for the  
Directors of the said Company, to nominate and appoint an indifferent 40  
person ; who together with one other person nominated and appointed by  
the party or parties so disagreeing, shall elect a third, which three shall be  
the Arbitrators between the Company, and party or parties, so disa-  
greeing, the award of the majority of whom shall be final.

**Arbitration in case of disagreement.**

**Penalty for persons damaging Canal &c.**

**IV.** And be it enacted, That if any person or persons shall wilfully, 45  
maliciously or to the prejudice of the said Company, break down,  
damage or destroy any bank, lock, gate, sluice or any works, machine,  
or device to be erected or made by virtue of this Act, or do any other  
wilful act, hurt or mischief, to disturb or prevent the carrying into exe-  
cution or completing, supporting or maintaining the said Canal, or

works hereinbefore referred to, every such person or persons shall be adjudged guilty of felony; and the Court by, and before whom such person or persons shall be tried and convicted, shall have power and authority to cause such person or persons to be punished in like manner as felons are directed to be punished by the Laws in force in this Province, or in mitigation thereof award such sentence, as the Law directs in cases of simple larceny or a misdemeanor, as to such Courts shall seem fitting.

V. And be it enacted, That if any person or persons shall in any manner obstruct the passage of any other boat, vessel, or raft passing on or through the said Canal, and shall not immediately, upon due notice given to such person or persons so obstructing the passage aforesaid, remove the same, such person or persons shall forfeit and pay for every such offence the sum of five pounds, which forfeiture shall be paid to the said Company; and it shall, and may be lawful for the agents or servants of the Company to cause any boat, vessel, or raft to be unloaded or removed, in such manner as shall be proper, for preventing such obstruction in the navigation, and to detain, and seize, such boat, vessel, or raft, and the loading thereof, until the charges occasioned by such obstruction, unloading, or removal are paid.

For obstructing passage of boats &c., thereon.

VI. And be it enacted, That it shall and may be lawful for the President and Directors of the said Company to regulate, from time to time, and establish the rates of toll, payable by persons navigating upon the said Canal; and the said Company shall annually, if required, exhibit an account to either branch of the Legislature of the tolls collected upon the Canal, and of the sums expended in keeping the same in repair, and also of the goods, wares, and merchandise transported on, and along the same.

Tolls how regulated.

VII. And be it enacted, That the said Company, to entitle themselves to the benefit, and advantages, to them granted by this Act, shall, and they are hereby required to make, and complete, the said Canal and other erections, required for the navigation thereof, within five years from the date of the passing of this Act; said Canal to be of sufficient dimensions to enable large class steamers to pass through from Lake Huron to Lake Superior, and in accordance with such plans, and specifications as shall be approved of by the Government of this Province.

Time limited for completion of Canal.

Dimensions of canal, plan and specification of Locks &c., to be approved of by the Government.

VIII. And be it enacted, That the several dues, tolls, rates, &c., so appointed to be taken as aforesaid, shall be paid to such person or persons, at the said Canal, or at such place or places, near the said Canal, in such manner, and under such regulations as the said Directors shall direct and appoint, and in case of denial or neglect of payment of any such rates, tolls or dues, or any part thereof, on demand to the person or persons appointed to receive the same, as aforesaid, the said Company may sue for and recover the same, in any Court having jurisdiction thereof, or the person or persons to whom the said rates, tolls, or dues ought to be paid, may, and he is, and they are hereby empowered to seize and detain such boat, vessel, barge or raft, for or in respect

Tolls &c., to whom paid &c.

Power to enforce.

whereof such rates, tolls, or dues, ought to be paid, and detain the same until payment thereof.

Meeting of  
Directors to  
fix rates &c.

IX. And be it enacted, That the said Directors of said Company, shall at their first general meeting, held after the Canal shall be finished, ascertain and fix the rates, tolls and dues, to be taken by virtue of this Act; And it shall and may be lawful for the Directors of the said Company, to alter the said rates, tolls and dues, at any subsequent meeting, after giving three months notice of the same, and that a schedule of the rates, tolls, and dues shall be affixed upon the most public place at such Canal. 5 10

Power of Her  
Majesty, Her  
heirs, and  
successors, to  
assume pos-  
session of Ca-  
nal.

X. And be it enacted, that any time after \_\_\_\_\_ years, after making and completing the said Canal, Her Majesty, Her Heirs, and Successors may assume the possession and property of the same, and of all and every of the works and dependencies thereto belonging, upon giving three months notice of the intention so to assume the possession thereof, and thereupon paying to the said Company, for the use of the Stockholders thereof, the full amount of the actual outlay, in sums of money furnished and advanced in making, completing, managing and continuing said Canal, together with such further sums as will amount to fifteen per cent. upon the monies so advanced and paid as aforesaid, as a full indemnification to the said Company; Provided always, That it shall not be lawful for Her Majesty, Her Heirs or Successors to assume the possession and property of the said Canal as aforesaid, unless it shall appear from the accounts of said Company, that said Company has received every year upon an average, a per centage, at the rate of twelve and one-half per cent. upon the monies so laid out and expended, and advanced in making, completing, managing and continuing as aforesaid, the said Canal. 15 20 25

Capital stock.

XI. And be it enacted, That the whole amount of the Capital Stock, which said Company shall be authorized to hold, shall not exceed one hundred and fifty thousand pounds, and that the number of shares shall not exceed thirty thousand, and that books of subscription shall be opened by such person or persons, and under such regulations as the majority of Directors, hereinafter named for the time being, assembled at a meeting to be called by any one of them, shall direct. 30 35

Not more  
than 30,000  
shares.

Books to be  
Kept &c. &c.

XII. And be it enacted, That it shall and may be lawful, to, and for the said several proprietors or holders of a share or shares in the said undertaking, to sell or dispose of his, her or their share or shares therein subject to such rules and conditions as shall be prescribed by the Board of Directors, and the said Board of Directors shall in a proper book or books cause to be entered and kept, a true and perfect account of the names and places of abode of the several Proprietors or Shareholders of the said Canal or undertaking; and of the several persons who shall from time to time become Proprietors or Shareholders, or entitled to any share or shares therein, and of all other Acts, proceedings and transactions of said Canal Company. 40 45

XIII. And be it enacted, that Allan MacDonell, John G. Bowes, John Cameron, Charles Jones, Angus D. MacDonell, Lewis Moffat, and William Botsford Jervis, shall be, and they are hereby constituted and appointed the first Directors of the said Company, appointed under this Act, which body of Directors shall after the passing of this Act, elect one of their body to be the President; and appoint the Officers, Agents, and Servants necessary to such Direction, and should any one or more of the said Directors resign, or be removed by death, then the majority of the survivors may elect some other person or persons to supply such vacancy, so made as aforesaid.

Who shall be the first Directors.

XIV. And be it enacted, That so soon as twenty thousand pounds shall have been subscribed, and a deposit made thereon, as may be required by the Rules, Regulations and By-laws, made and adopted by the Directors as aforesaid, a general meeting of the subscribers shall take place of which due notice of not less than thirty days shall be given, in some Newspaper of the City of Toronto, of the time and place of such meeting, and it shall, and may be lawful for the subscribers at such meeting to proceed to the election of new Directors for the said Company; and such election shall then and there be made by a majority of shares voted for, in manner hereinafter prescribed, and shall then and there be capable of serving until the first Monday in June succeeding.

After £20,000 shall have been subscribed a general meeting to take Place.

To appoint new directors.

XV. And be it enacted, That the affairs and concerns of the said Company shall be managed and conducted by seven Directors, who shall be Stockholders, each to the amount of four shares; one of whom shall be chosen President, the Directors and President so chosen shall hold their office for the period of one year, and such Directors as aforesaid, shall be elected on the first Monday in June in each and every year, at such time of the day, and at such place as a majority of the Directors for the time being shall appoint, and public notice shall be given in the usual manner of such time and place of meeting, and the said election of Directors shall be made by such of the Shareholders of the said Company as shall attend for that purpose in their own proper person, or by proxy, and all elections of Directors shall be by ballot, and the seven persons who shall receive the greatest number of votes at any election, shall be Directors, and the majority of Directors shall elect the President, provided always such Director so elected be a natural born subject of Her Majesty; each Shareholder shall be entitled to a vote or votes proportionable to the number of shares he, she or they shall hold, in his, her or their name or names at the time of such election, and during the period of three months previous, provided always that no Shareholder shall vote upon more than twenty Shares.

Affairs of the Company to be managed by seven Directors.

To elect a President who shall be a natural born subject of Her Majesty.

XVI. And be it enacted, That in case it should happen, that an election of Director shall not be made on any day, when pursuant to this Act it ought to have been made, the said Corporation shall not for that cause be deemed to be dissolved; but it shall and may be lawful on any other day, to hold and make an election of Directors, in such manner as shall have been regulated by the laws and ordinances of the said Corporation.

Corporation not dissolved by failure to elect Directors.

XVII. And be it enacted, That the Directors for the time being, or

Directors empowered to make rules and regulations.

the majority of them, shall have power to make such rules and regulations as to them shall appear proper, touching the management of the stock, estate and effects of the said Corporation, and touching the duty and conduct of the Officers, Clerks and Servants employed by the said Company, and all such other matters as appertain to the business of the said Company and shall also have power to appoint such and as many Officers, Clerks and Servants for carrying on the said business, and with such salaries and allowances as to them shall seem meet. 5

Power given Directors to sue for instalments due or to declare forfeited the shares of stock holders neglecting or refusing to pay.

XVIII. And be it enacted, That if any Stockholder as aforesaid, shall refuse or neglect to pay, at the time required, any such instalment or instalments, as shall be lawfully required by the Directors; as due upon any share or shares of such Stockholder or Stockholders, it shall and may be lawful for the Directors as aforesaid, to sue for, and recover the same, or it shall and may be lawful for the said Directors to declare forfeited any share or shares of such Stockholder or Stockholders so refusing or neglecting to pay their respective instalments, so required as aforesaid, and such share or shares, together with any amount which shall have been previously paid thereon, shall be thereupon forfeited, said shares may be sold by the said Directors, and any sum arising therefrom, together with the amount previously paid thereon, shall be accounted for and applied in like manner as other monies of the said Company; Provided always, that thirty days notice of the sale of such forfeited Shares shall be given in some public newspaper published in the City of Toronto, and that the instalments due may be received in redemption of any such forfeited share or shares, at any time before the day appointed for the sale thereof, together with such reasonable fine as may be imposed by the Directors. 10 15 20 25

Public Act.

XIX. And be it enacted, That this Act shall be taken and deemed to be a public Act, and as such, shall be judicially noticed by all Judges, Justices of the Peace, and other persons without being specially pleaded. 30