

Government to appoint one Director so long as Stock held on behalf of the Public.

V. *And be it further enacted by the authority aforesaid,* That in the event of any Stock being Subscribed in the Books of the Niagara Canal Company on behalf of the Government of this Province as aforesaid, it shall and may be lawful for the Governor, Lieutenant Governor, or Person Administering the Government of this Province, to appoint annually one Director in the said Company, so long as any Stock shall be held on behalf of the Public, unless in any Act of the Parliament of this Province to be hereafter passed it shall be otherwise provided.

## CHAP. XIII.

*AN ACT to Incorporate a Joint Stock Company, to Improve the Navigation of the Grand River.*

[Passed 28th January, 1832.]

Preamble.

**W**HEREAS increasing the facilities and lessening the expenses of Transportation through a Country, enhance the value of that Country, by increasing the profit on Articles of Exportation, and lessening the expenses of living upon Articles of Importation: *And whereas* the Feeder of the Welland Canal has, and does, afford increased facilities for the Transportation of heavy Articles from that part of the Country, and for such Articles as are and may be at some seasons of the year Transported down the Grand River to that Point: *And whereas* the improvement of the Navigation of the Grand River from the Feeder of the Welland Canal to Brantford, by means of Dams, Locks, and other improvements that would render the passage of Rafts, Boats, and other Craft, more safe and certain at all seasons of the year, and admit of Boats and other Craft to return loaded with Imports to Brantford, would add very materially to the prosperity and improvement of the Country: *And whereas* William Holme, George Washington Whitehead, James Ingersoll, Absalom Shade, Jedediah Jackson and others, have Petitioned the Legislature to be Incorporated for the purpose of effecting, by means of a Joint Capital or Stock, such water communication from the said Feeder of the Welland Canal at Brantford: *Be it therefore enacted* by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to

make further provision for the Government of the said Province," and by the authority of the same, That the said William Holme, George Washington Whitehead, James Ingersoll, Absalom Shade, and Jedediah Jackson, together with all such other persons as shall become Stockholders in such Joint Capital or Stock as hereinafter mentioned, shall be and are hereby ordained, constituted, and declared to be a Body Corporate and Politic, in fact, by the name of "the Grand River Navigation Company," and that by this 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, 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 same name of "The Grand River Navigation 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, for the support and maintenance of the Works, necessary for the protection of the said Navigation, and for any hydraulic privileges created by their improving the said Navigation, 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 or expedient.

The Grand River  
Navigation Company  
incorporated.

General Powers of  
the Company.

II. *And be it further enacted by the authority aforesaid,* That the Directors of the Grand River Navigation Company shall have full power and authority to explore and Survey the Country above the Dam erected by the Welland Canal Company upon the Grand River, or so much thereof as is not included within the Charter granted to the Welland Canal Company, and improved and occupied by them under their Charter, following the course of the said Grand River as nearly as may be to the Village of Brantford aforesaid, and to designate and establish, and for the said Company to take, appropriate, have and hold, to and for the use of them and their successors, such Land and Land covered with water as may be necessary for the said Company to occupy for the purposes of the said Navigation, within the limits aforesaid, with all necessary Dams, Locks, Towing-paths, Courses, Basins and Railways, and also to select such convenient site for such and so many Mills, Manufactories, Ware-houses, and other erections, as may be required by the said Company for the purposes thereof, and as may be made by the erection of any Dams by the said Company for the purposes of the said Navigation: *Provided always,* that the owner or owners of any Mill Seat on the Grand River shall not be divested of his or their Mill or im-

Company empowered  
to improve the  
Navigation of the  
Grand River, and to  
take such Lands as  
may be necessary  
for the purposes of  
the Navigation.

May select Mill  
Sites, &c.

Not to interfere with Mills already erected, unless necessary for the purposes of the Navigation, nor without compensation.

Owners of Mills deriving an additional supply of water by means of the operations of the Company, to pay for the same.

Company may set out Lands which shall be necessary for making River Navigable.

May make Dams and Locks, and other Works.

General Powers for carrying on their Works.

provement rightfully erected upon the said Grand River, or in the vicinity thereof, unless it shall be necessary for the purpose of the said Navigation, nor without compensation for such Mill Seat, and for the buildings and improvements so taken, according to the value thereof, to be determined as hereinafter provided for determining any damage done to property by the said Company; *Provided also*, that the owner or owners of any Mill Seat or Mill Seats, using any additional supply of water brought thereto by means of the said Company, shall pay a reasonable compensation therefore to the said Company, to be determined as hereinafter provided for determining any damages done to property by the said Company.

III. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for the said Company, and they are hereby authorised and empowered from and after the passing of this Act, to enter into and upon the Lands and grounds, within the limits aforesaid, of or belonging to the King's most Excellent Majesty, His Heirs or Successors, or to the Six Nations of Indians residing thereon, or to any other persons, Bodies politic or corporate, and to Survey and take levels of the same, or any part thereof, and to set out and ascertain such parts thereof as they shall think necessary and proper for making the said River Navigable; and the said Company are hereby also authorised and empowered, by themselves and their Agents, Servants and Workmen, to make one or more Dams, Locks, Reservoirs and Feeders, as to them shall seem necessary or proper, excepting as hereinafter or above mentioned, and for the purposes aforesaid the said Company, their Agents, Servants and Workmen, are hereby authorised and empowered to set up and make in and upon the said Grand River, or upon the Lands adjoining or near the same, such and so many Dams, Sluices, Wears or pens for water Tanks, Reservoirs, Drains, Wharves, Quays, Landing-places and other Works, Ways, Roads and conveniences, as the said Company shall think requisite and convenient for the purposes of the said Navigation; and also from time to time to alter, repair, amend, widen or enlarge the same, or any of the conveniencies above mentioned, as well for carrying or conveying goods, commodities, timber or other things, to and from the said River, as for the carrying or conveying of all manner of materials necessary for making, erecting, furnishing, altering, repairing, amending, widening or enlarging the Works of and belonging to the said Navigation: and also place, lay, work or manufacture, the said materials on the ground near to the place or places where the said Works or any of them are or shall be intended to be made, erected, repaired or done, and to build and construct the several Dams, Locks, Works and erections belonging thereto; and also to make, maintain, repair, and alter any towing paths, fences or

passages over, through, or alongside the said River; and also to make, set up and appoint, drawing boats, barges, vessels or rafts, passing, in, through, along, or upon the said River as they the said Company shall think convenient; and also construct, erect, make and do all other matters and things which they shall think necessary and convenient for the making, effecting, preserving, improving, completing, and using the said Navigation in pursuance and within the true meaning of this Act, they the said Company doing as little damage as may be in the execution of the several powers to them hereby granted, and making satisfaction in manner herein-after mentioned for all damages to be sustained by the owners or occupiers of such lands, tenements and hereditaments.

IV. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the said Company, and they are hereby authorised and empowered from and after the passing of this Act, to deviate and depart from the said River at any such points or places as the said Company shall deem necessary, expedient, or proper so to do, for rendering the Navigable Channel straight, by cutting through points occasioned by windings of the said River, and at all such necessary places of departure, the said Company shall have full power and authority to build, erect, set up and repair any and all dams, locks, towing-paths, and all and every other erection, (as hereinbefore and hereinafter mentioned,) as they the said Company shall or may deem necessary, expedient, or convenient to do for the better effecting the purposes of the said Navigation, and also, from time to time to alter, repair, amend, widen, or enlarge the same.

Company may cut off Points, and straighten the Navigation, and make such erections as may be necessary for that purpose.

V. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the said Company in constructing and making the said Grand River Navigable as aforesaid, to take and appropriate for the use of the said Navigation, as much of the water of the said River as they may find necessary, and it shall be lawful for the said Company to erect such and so many dams, locks, wharves, quays, piers, fore bays, and other erections as may be necessary for the use of the said Company and the purposes of transport on the said River; *Provided also,* that it shall and may be lawful for the said Company, and they are hereby required to suffer and permit any and all of the said Six Nation Indians to have the free and uninterrupted navigation of the said Grand River, with their Canoes, for them and their posterity, at any time, and at all times without the denial, let, trouble, hindrance, or molestation of the said Company, any thing in this Act contained to the contrary notwithstanding.

May appropriate the water of the Grand River.

Indians to have the free and uninterrupted Navigation of the Grand River, with their Canoes.

VI. *And be it further enacted by the authority aforesaid,* That after any lands or grounds shall be set out and ascertained to be necessary for making and completing the said Navigation, and other purposes and conveniences hereinbefore mentioned, it shall and may be lawful for all bodies Politic, Communities, Corporations, aggregate or sole guardians, and all other Trustees whomsoever, not only for and on behalf of themselves, their Heirs and Successors, but also for and in behalf of those whom they represent, whether Infants, Lunatics, Idiots, Femmes Couverts, or other person or persons who are or shall be possessed of or interested in any Lands or Grounds which shall be set out and ascertained as aforesaid, to contract for, sell and convey, unto the said Company, all or any part of such Lands or Grounds which shall from time to time be set out and ascertained as aforesaid, and that all such contracts, agreements and sales, shall be valid and effectual in Law to all intents and purposes whatsoever, any Law, Statute or usage, to the contrary thereof in anywise notwithstanding; and the amount thereof shall be established in the manner hereinafter mentioned for the determination of the value of Lands or other Tenements to be purchased by the said Company, and of the amount of damages committed thereby.

Company may  
Contract for the  
purchase of the  
Lands set out for  
the use of the  
Company.

VII. *And be it further enacted by the authority aforesaid,* That the Directors of the said Company shall be, and the same are hereby empowered, to contract, compound, compromise and agree, with the owners and occupiers of any Land through or upon which they may cut or construct the said intended Navigation, with all necessary and convenient Dams, Locks, Towing-Paths, Rail-Ways, and other erections and constructions contemplated by this Act to be cut, erected, constructed and built, either for the absolute purchase of so much of the said Land as they shall require for the purposes of the said Company, or for the damages which he, she or they, shall be entitled to recover from the said Company in consequence of the said intended Dams, Locks, Towing-Paths, and other constructions and erections on his, her or their respective Lands; and in case of any disagreement between the said Directors and the owner or owners, occupier or occupiers aforesaid, the following persons, viz:—Manuel Overfield, John Warren, and William Johnston Kerr, Esquires, shall be Commissioners to decide from time to time either upon the value of the said Lands and Tenements proposed to be purchased, or upon the amount of damages to be paid to the owners as aforesaid, and who, or a majority of them, shall be Arbitrators to award, determine, adjudge, and order the respective sums of money which the said Company shall pay to the respective persons entitled to receive the same, and whose decision shall be final; and in case of vacancy in the Board of Commissioners, by death, resignation, or refusal

Directors may  
compound with the  
owners of Lands,  
either for the value  
thereof or the  
damages done  
thereon.

Arbitrators appointed  
to determine all  
disputes.

In case of any  
vacancy, Lieutenant  
Governor to fill the  
same.

to serve, His Excellency the Lieutenant Governor of the Province may fill such vacancy : *Provided always, nevertheless*, that no person being a Stockholder in the said Company, or standing in such relation to any Claimant as would disqualify him from sitting as a Juror, shall be capable of acting as an Arbitrator, unless by consent of both parties ; and that when any such ground of disqualification exists, the reference shall be made to three Arbitrators, one of whom shall be chosen by each party, and the third shall be appointed by the two Arbitrators so chosen.

In case of the disqualification of the Arbitrators named, the parties may appoint others.

VIII. *Provided always, and be it further enacted by the authority aforesaid*, That if any part of the Navigable Channel to be so made shall pass through any Tract of Land belonging to or in possession of any Tribes of Indians in this Province, or if any act occasioning damage to their Property or their possession shall be done under the authority of this Act, compensation shall be made to them therefor in the same manner as is provided with respect to the Property, Possession or Rights of other individuals ; and that whenever it shall be necessary that Arbitrators shall be chosen by the parties for settling the amount of such compensation, the Chief Officer of the Indian Department within this Province is hereby authorised and required to name an Arbitrator on the behalf of the said Indians, and the amount which shall be awarded in any case shall be paid to the said Chief Officer to the use of the said Indians : *Provided also*, that the said Arbitrators shall, and they are hereby required, to attend at some convenient place in the vicinity of the route of the said Grand River, to be appointed by the Directors for that purpose, then and there to arbitrate, award, adjudge and determine, such matters and things as shall be submitted to their consideration by the parties interested, and that each Arbitrator shall be sworn before some one of His Majesty's Justices of the Peace in and for the District of Gore, any of whom may be required to attend the said meeting for that purpose, well and truly to assess the damages between the parties, according to the best of his judgement : *Provided always*, that no part of the Lands, Tenements, Hereditaments and Real Estate required by the said Company, shall be taken possession of by or on behalf of the said Company, until the price or purchase money thereof at which the same shall have been valued by the parties, or by Arbitration, as herein provided, shall have been fully paid and satisfied to the owner or owners thereof.

Compensation to be made to Indians as to other individuals.

Mode of settling disputes between Indians and the Company.

Arbitrator: to be sworn.

Lands not to be taken possession of by the Company until paid for.

IX. *And be it further enacted by the authority aforesaid*, That any award made under this Act shall be subject to be set aside on application to the Court of King's Bench, in the same manner and on the same

Award may be set aside by motion in King's Bench.

grounds as in ordinary cases of submission by the parties, in which case a second reference may be made to three Arbitrators, one of whom shall be chosen by each of the parties, and the third appointed by such two Arbitrators.

Persons committing malicious injuries how punished.

X. *And be it further enacted by the authority aforesaid,* That if any person or persons shall wilfully, maliciously, or to the prejudice of the said Company, break, throw down, damage or destroy, any Dam, Lock, Gate, or any Works or device to be erected or made by virtue of this Act, or do any other wilful act, hurt or mischief, to disturb, hinder, or prevent the carrying into execution, or completing, supporting or maintaining the said Navigation, every such person or persons so offending, shall forfeit and pay to the said Company the value of the damage, proved by the oath of one or more credible Witness or Witnesses to have been done, such damages, together with costs of Suit in that behalf incurred, to be recovered by Action in any Court of Law having Jurisdiction competent to the same; or in case of default of payment, such offender or offenders may be committed to the Common Gaol for any time not exceeding three months, at the discretion of the Court before which such offender shall have been tried.

Inhabitants residing upon the Grand River may use Boats thereon for pleasure, or purposes of Husbandry.

XI. *Provided always, and be it further enacted by the authority aforesaid,* That it shall and may be lawful to and for the owners and occupiers of any Lands adjoining to the said Grand River, to use any Pleasure Boats, or any Boats, upon the said Grand River, for the purpose of Husbandry, or for conveying Cattle from one Farm, or part of a Farm or Lands, or to any other Farm or Lands of the same owner or occupier, (not passing through any Lock without the consent of the said Company, their successors, or their principal Agent for the time being,) without interruption from the said Company or their successors, and without paying any Toll or Duty for the same, so as the same be not made use of for the carriage of any Goods, Wares or Merchandize, to Market, or for sale, or for any person or persons for hire, and shall not obstruct or prejudice the Navigation of the said Grand River, or the Towing-Paths thereof.

Paying Tolls on Goods or Merchandize.

Directors may establish rates of Tolls.

Amount of Tolls to be annually laid before either branch of the Legislature, if required.

XII. *And be it further enacted by the authority aforesaid,* 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 Navigation; and the said Company shall annually, if required, exhibit an account to either Branch of the Legislature, of the Tolls collected upon the said Navigation, and of the sums expended in keeping the same in repair, and also of the

Goods, Wares and Merchandize Transported in and along the same :  
*Provided always,* that if at any time after the expiration of five years from the time of the commencement of the Navigation upon any part of the said Grand River, the Legislature shall deem the Tolls levied therein excessive, it shall be lawful for them to reduce the same to such a standard as they may think just, so that the same shall not be reduced to a rate which will produce to the said Company less than Twenty per Cent. on the Capital actually expended in making the said River Navigable.

Tolls may be reduced by the Legislature, if found excessive.

Not to be reduced below 20 per cent. on the Capital expended.

XIII. *And be it further enacted by the authority aforesaid,* That the said Company shall, at their first General Meeting held after any part of the said Navigation shall be finished, ascertain and fix the Rates and Dues to be taken by virtue of this Act, and that it shall and may be lawful for the Directors of the said Company to alter the said Rates at any subsequent Meeting, after giving three months public notice of the same, and that a Schedule of Rates shall be affixed on the different public places on the route of the said River.

Directors may fix Tolls after any part of Canal finished, and may alter the same.

XIV. And for preventing disputes touching the Tonnage of any Boat, Barge, or other Vessel Navigating upon the said Grand River—*Be it further enacted by the authority aforesaid,* That the Owner or Master shall cause every such Boat, Barge or Vessel, to be gauged or measured, and refusing so to permit and suffer, shall forfeit and pay the sum of Forty Shillings, Currency, and it shall be lawful for the said Company, or their toll gatherer, or such person or persons as shall be appointed by them for that purpose, and such Owner or Master, each to choose one person to measure and ascertain such Tonnage, and to mark the same on such Boat, Barge or other Vessel, which mark shall always be evidence of the Tonnage in all questions respecting the payment of the aforesaid Rates or Dues, and if such Owner or Master shall refuse or decline to choose a person in his behalf as aforesaid, then the person appointed by the said Company, or their toll gatherer, shall have alone the power of ascertaining such Tonnage.

All Boats or Vessels to be gauged or measured.

Penalty for refusal forty shillings.

In case of dispute, how measurement to be ascertained.

XV. *And be it further enacted by the authority aforesaid,* That all persons whatsoever shall have full liberty to use with Horses, Cattle and Carriages, the private Roads and Ways to be made as aforesaid, (excepting the Towing paths,) for the purpose of carrying any goods, wares, merchandizes, timber, and commodities whatsoever to and from the said Grand River: and also to Navigate on the said Grand River with any Boats, Barges, Vessels or Rafts, and to use the Wharves and Quays for loading and unloading any goods, wares, merchandize, lumber and commo-

All roads to the Works to be erected or made on the Grand River to be open to the public, except Tow-Paths.

Towing-Paths to be open on payment of dues.



dities ; and also to use the said Towing paths with Horses for drawing and hauling such Boats and Vessels, upon payment of such Rates or Dues as shall be established by the said Company.

Directors to make regulations respecting the payment of dues.

Vessels, &c. seizable for non-payment of dues.

XVI. *And be it further enacted by the authority aforesaid,* That the said several Dues shall be paid to such person or persons, at such place or places near the said Grand River, in such manner and under such regulations as the Directors shall direct or appoint, and in case of denial or neglect of payment of any such Rates or Dues, or any part thereof on demand, the person or persons to whom the said Rates 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 whereof such Rates or Dues ought to be paid, and detain the same until payment thereof.

Capital Stock not to exceed £50,000; Shares £5 5s. each.

Books of Subscription when and where to be opened.

XVII. *And be it further enacted by the authority aforesaid,* That the Capital Stock of the said Company shall be Fifty Thousand Pounds, to be divided into Shares of Six Pounds Five Shillings Provincial Currency each, and that Books of Subscription shall be opened in the several Asize Towns in this Province, within four months after the passing of this Act, by such person or persons and under such regulations as the majority of the said Petitioners, assembled at a Meeting to be called by any one of them in the Village of Brantford for that purpose, shall direct.

Any person take Stock not exceeding 200 Shares, in the first instance.

Instalments when and how payable.

XVIII. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for any person or persons, His Majesty's Subjects or others, to Subscribe for any number of Shares, not exceeding in the first instance two hundred, the amount whereof shall be due and payable to the said Company in the manner hereinafter mentioned, that is to say : Ten per Cent on each Share so Subscribed shall be payable to the said Company immediately after the Stockholders shall have elected the number of Directors hereinafter mentioned, and the remainder by instalments of not more than ten per Cent at such periods as the President and Directors shall from time to time direct and appoint for the payment thereof ; *Provided,* that no instalment shall be called for in less than thirty days after public notice shall have been given in the Gazette, and in not less than three Newspapers in this Province : *Provided always,* that if any Stockholder or Stockholders as aforesaid shall neglect or refuse to pay to the said Company the instalment or instalments due on any Share or Shares held by him, her or them, at the time required by Law, such Stockholder or Stockholders shall forfeit such Share as aforesaid, with the amount previously paid thereon, and the Share or Shares shall be Sold by the Directors at public Auction after having given thirty days

Stock forfeited on non-payment of Instalments. Forfeited Shares to be sold at Auction.

notice, and the proceeds thereof together with the amount previously paid thereon shall be accounted for and applied in like manner as any other funds of the said Company : *Provided always*, that such purchaser or purchasers shall pay to the said Company the amount of the instalment required over and above the purchase money of the Share or Shares to be purchased by him, her, or them as aforesaid, immediately after the sale, and before they shall be entitled to a certificate of the transfer of such Share or Shares so to be purchased as aforesaid.

XIX. *And be it further enacted by the authority aforesaid*, That if the whole number of Shares shall not be subscribed within two months after the Books of Subscription shall have been opened as aforesaid, then and in such case it shall and may be lawful for any former subscriber to increase his, her, or their subscription, and that after the first instalment shall have been paid to the said Company the said Shares shall become transferable on the Books of the said Company.

After two months former Subscribers may increase their subscriptions.

XX. *And be it further enacted by the authority aforesaid*, That as soon as Five Thousand Pounds shall have been subscribed, it shall and may be lawful for such Subscribers, or any of them, to call a meeting at some place to be named in the Village of Brantford, for the purpose of proceeding to the Election of the number of Directors hereinafter mentioned ; and such Election shall then and there be made by a majority of Shares voted for in manner hereinafter prescribed in respect to the annual Election of Directors, and the persons then and there chosen shall be the first Directors, and be capable of serving until the first Monday in May succeeding their Election, and the Directors so chosen shall, as soon as a deposit amounting to Five Hundred Pounds upon the Shares subscribed as aforesaid shall be paid to the said Directors, commence the business and operations of the said Company : *Provided always*, that no such meeting of the said Subscribers shall take place until a notice is published in at least four of the Newspapers in this Province at the distance of not less than thirty days from the time of such notification.

When £5,000 has been subscribed, Directors may be elected.

Election, when, where, and how to be made.

XXI. *And be it further enacted by the authority aforesaid*, That the stock, property, affairs and concerns, of the said Corporation shall be managed and conducted by five Directors, one of whom shall be chosen President, who shall hold their office for one year, which Directors shall be Stockholders, and shall be Inhabitants of this Province, and be Elected the first Monday in May in every year at such time of day and at such place near the said Grand River as a majority of the said Directors for the time being shall appoint ; and public notice shall be given by the said

Five Directors to be elected annually on 1st Monday in May.

Notice of time of Election to be published.

How Election to be made.

Directors to elect a President.

How vacancies in the Direction to be filled up.

Ratio of votes of each Stockholder.

Directors in the Gazette and not less than three of the different Newspapers published within this Province of such time and place, not more than sixty nor less than thirty days previous to the time of holding the said Election; and the said Election shall be held and made by such of the Stockholders of the said Company as shall attend for the purpose in their own proper persons or by proxy; and all Elections for Directors shall be by ballot; and the five persons who shall have the greatest number of votes at any Election shall be Directors, except as hereinafter directed, and if it shall happen at any Election that two or more persons have an equal number of votes in such manner that a greater number of persons than five shall by a plurality of votes appear to be chosen as Directors, then the said Stockholders hereinbefore authorised to hold such Election shall proceed by ballot a second time, and by a plurality of votes determine which of the said persons so having an equal number of votes shall be the Director or Directors so as to complete the whole number of five; and the said Directors, so soon as may be after the said Election, shall proceed in like manner to elect by ballot one of their number to be President; and two of the Directors which shall be chosen at the preceding year, excepting the President, shall be ineligible to the office of Director for one year after the expiration of the term for which they shall be chosen Directors; and in case a greater number than three of the Directors, exclusive of the President, who served for the last year shall appear to be elected, then the Election of such person or persons above the same number, and who shall have the fewest votes shall be considered void, and such other of the Stockholders as shall be eligible, and shall have the next greater number of votes shall be considered as elected in the room of such last described person or persons who are hereby declared ineligible as aforesaid. And the President for the time being shall always be eligible to the office of Director; but Stockholders not residing within the Province shall be ineligible; and if any Director shall absent himself from this Province, and cease to be an inhabitant thereof for the space of six months, his office shall be considered as vacant; and if any vacancy or vacancies should at any time happen concerning the Directors, or if the office of President should become vacant by death, resignation, or removal from the said Province, such vacancy or vacancies shall be filled for the remainder of the year in which they may happen by a person or persons to be nominated by a majority of the Directors: *Provided always*, that no person shall be eligible to be a Director who shall not be a Stockholder to the amount of at least twenty Shares.

XXII. *And be it further enacted by the authority aforesaid*, That each Stockholder shall have a number of votes proportioned to the number of shares which he or she shall have held in his or her own name, at least

three months prior to the time of voting, except at the first Election, (according to the following ratio): that is to say, at the rate of one vote for each Share, not exceeding four—five votes for six Shares—six votes for eight Shares—seven votes for ten Shares, and one vote for every Share above ten—*Provided however*, that no person shall have more than fifteen votes.

XXIII. *And be it further enacted by the authority aforesaid*, That in case it shall at any time happen that an Election of Directors should 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 that it shall and may be deemed 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 to be dissolved for non-election of Directors.

XXIV. *And be it further enacted by the authority aforesaid*. That it shall be the duty of the Directors to make half yearly dividends of so much of the profits of the said Company, as to them, or a majority of them shall appear advisable; and that once in every three years, and oftener if thereunto required, by a majority of the votes of the Stockholders, to be given agreeably to the ratios hereinbefore established at a General Meeting to be called for that purpose, an exact and particular statement shall be rendered of the debts which shall have remained unpaid after the expiration of the original credit for a period of treble the time of that credit; and of the surplus profits, if any, after deducting losses, dividends and expenditures.

Half yearly dividends of the profits to be declared.

Stockholders may require a statement of the affairs of the Company once every 3 years.

XXV. *And be it further enacted by the authority aforesaid*, That the Directors for the time being, or a major part of them, shall have power to make and subscribe such rules and regulations as to them shall seem needful and proper, touching the management and disposition of the Stock, Property, 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 as many Officers, Clerks and Servants for carrying on the said business, and with such salaries and allowances as to them shall seem meet: *Provided* that such rules and regulations be not repugnant to the Laws of this Province.

Directors may make bye Laws.

Appoint and dismiss Servants.

XXVI. *And be it further enacted by the authority aforesaid*, That every Treasurer before he enters into the duties of his office shall give bond

Treasurer to give security.

with two or more sureties in such sum as may be satisfactory to the Directors with condition for the faithful discharge of his duty.

Penalties how to be recovered.

XXVII. *And be it further enacted by the authority aforesaid,* That all penalties and forfeitures for offences against this Act knowingly committed, or against any such order or bye-law of the said Company, to be made in pursuance thereof for the levying and recovering whereof no particular method is hereinbefore directed, shall upon proof of the offences respectively, before any two Justices of the Peace for the District in which such offence shall have been committed, who are not at the time Stockholders, either by the confession of the party or parties, or by the oath of one credible witness, (which oath such Justices are hereby empowered and required to administer without fee or reward) be levied by distress and sale of the goods and chattels of the parties offending, by Warrant under the hand and seal of such Justices—which warrant such Justices are hereby empowered to grant, and the overplus after such penalties and forfeitures and the charges of such distress and sale are deducted, shall be returned upon demand to the owner or owners of such goods and chattels, and in case such sufficient distress cannot be found, or such penalties and forfeitures shall not be forthwith paid, it shall be lawful for such Justices, by Warrant under their hands and seals, to cause such offender or offenders to be committed to the Gaol of the District in which such offence shall have been committed, there to remain without bail or mainprize for such time as such Justices may direct, and not exceeding twenty days, unless such penalties and forfeitures be sooner paid and satisfied, all which said penalties and forfeitures when levied and satisfied in manner aforesaid shall be paid to the said Company, to be by them applied for the purposes of the said Navigation.

All actions for any thing done under this Act to be commenced within six months.

General issue may be pleaded.

XXVIII. *And be it further enacted by the authority aforesaid,* That if any plaint shall be brought or commenced against any person or persons for any act done or to be done in pursuance of this Act, or in execution of the Powers and Authorities, or the orders and directions hereinbefore given or granted, every such Writ shall be brought and commenced within six calendar months next after the fact committed, or in case there shall be a continuation of damages, then within six calendar months next after the doing or committing of such damages shall cease and not afterwards. And the Defendant or Defendants in such action or suit shall and may plead the general issue and give this Act and the special matter in evidence at any trial to be had thereon, and that the same was done in pursuance and by the authority of this Act; and if it shall appear to be so done, or if any action or suit shall be brought after the time hereinbe-

fore limited for bringing the same, then a verdict shall be given for the Defendant.

XXIX. *And be it further enacted by the authority aforesaid,* That nothing herein contained shall affect in any manner or way whatsoever the right of His Majesty or His Heirs and Successors, or of any person or persons, or of any bodies politic or corporate, except as is herein expressly provided. Rights of the Crown or subject not to be affected except as herein is provided.

XXX. *And be it further enacted by the authority aforesaid,* That this Act shall be deemed and taken 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. This declared a public Act.

XXXI. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the said Company, so soon as may be to improve the navigation of the Grand River, from the Village of Brantford to Galt, in the following manner: that is to say, to erect a Towing-path along the bank of the said Grand River, to remove such stones and other obstructions from the bed of the said River, and to deepen the channel of the said Grand River by erecting such wing-dams and dams as shall be necessary to improve the Navigation of the said Grand River for the passage of craft drawing two and a half feet or three feet water, from Galt to Brantford aforesaid. Company may improve Grand River from Brantford to Galt.

XXXII. *And be it further enacted by the authority aforesaid,* That the preceding provision of this Act, regulating the privileges, powers, responsibilities and duties of the said Company for the improvement of the Navigation of the Grand River from the feeder of the Welland Canal to Brantford, shall be and the same are declared and taken to be applicable to the Company, so far as the same may apply to and shall be necessary for improving the Navigation of the Grand River between Brantford and Galt, in the manner described in the preceding clause of this Act. General powers of this Act applicable to the improvements above Brantford.

XXXIII. *Provided nevertheless, and be it further enacted by the authority aforesaid,* That nothing in this Act contained shall extend or be construed to extend to prevent water being taken from the said Grand River or any or all of its tributary streams for the purpose of feeding any other Canal or Canals to or from the said Grand River, not however depriving the said Grand River Company of a sufficient quantity of the water of the Grand River for the use of the navigation intended to be made and improved under the provisions of this Act. Water may be taken from the Grand River or its tributaries for feeding other Canals.

Persons deprived of any convenience of the water of the Grand River by the operations of the Company to have free access to the River for themselves or cattle.

XXXIV. *And be it further enacted by the authority aforesaid,* That whenever the Navigation to be made by the said Company in any part of its course shall have the effect of depriving any person possessing lands adjacent thereto of any privilege or convenience of water for ordinary purposes which he had before enjoyed, it shall be incumbent on the said Company to allow to the person or persons, then and at all times thereafter, possessing the said lands, free and convenient access for persons and Cattle to the said River or Canal.

All benefit of this Charter to be forfeited unless navigation to Brantford finished in five years.

XXXV. *And be it further enacted by the authority aforesaid,* That the said Company shall forfeit and lose all the benefit of this Charter, and the privileges and powers hereby conferred unless the said improvement contemplated up to the Village of Brantford shall be completed within five years from the passing of this Act, so as to afford a navigable channel for boats and vessels drawing not less than five feet water.

Terms upon which His Majesty may assume the property of the Works and Navigation constructed under this Act.

XXXVI. *And be it further enacted by the authority aforesaid,* That at any time before or after the making and completing of said Navigation, it shall and may be lawful for His Majesty, His Heirs and Successors, to assume the possession and property of the same, and of all and every the works and dependencies thereunto belonging or in anywise appertaining, upon paying to the said Company of Proprietors, their successors and assigns, the full amount of their respective Shares, or of the sums furnished or advanced by such Subscriber towards making and completing the said Navigation and Works connected therewith, together with such further sum as will amount to twenty per centum upon the monies so advanced and paid, as a full indemnification to such Company of Proprietors, by annual payment of at least twenty per cent, allowing moreover to the said Company, six per cent. Interest upon the unredeemed part of the Capital, but not allowing them any Interest upon the advance of twenty per cent which is allowed them as aforesaid; And the said Navigation or undertaking, and all and every the works and dependencies thereunto belonging, shall from the time of such assumption in manner aforesaid, appertain and belong to His Majesty, His Heirs and Successors, who shall from thence forward be substituted in the place and stead of the said Company of Proprietors, their Successors and Assigns, for all and every the purposes of this Act, in so far as regards the said Navigation or undertaking.

The Legislature may make such alterations in this Act for the protection of the public as they may think proper.

XXXVII. *And be it further enacted by the authority aforesaid,* That notwithstanding the privileges hereby conferred on the said Company, the Legislature may at any time hereafter make such addition to this Act, or such alteration of any of its provisions, as they may think proper

for affording just protection to the public, or to the Indians of the Six Nations, or to any person or persons in respect to their Estate or Property, or any interest therein, or advantage, privilege or convenience connected therewith, or in respect to any way or right of way upon or along the said River, or elsewhere, or any right or privilege of fishing that may be affected by any of the powers given by this Act.

## CHAP. XIV.

*AN ACT for Incorporating a Joint Stock Company, under the style and title of the President, Directors and Company, of the Port Dover Harbour.*

[Passed 28th January, 1832.]

**W**HEREAS the construction of a safe and commodious Harbour at Port Dover, at the mouth of Patterson's Creek, in the District of London, would manifestly tend to the improvement of that part of this Province, as well as be of great advantage to all persons in any way concerned in the Navigation of Lake Erie: *And whereas*, Colin McNeillidge, Mahlon Burwell, John Clark, Duncan McCall, William Wilson, Charles Ingersoll and Thomas Clark, have petitioned to be by Law Incorporated for the purpose of effecting the construction of such Harbour, by means of a Joint Stock Company:—*Be it therefore enacted* by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That the said Colin McNeillidge, Mahlon Burwell, John Clark, Duncan McCall, William Wilson, Charles Ingersoll and Thomas Clark, together with all such other persons as shall become Stockholders in such Joint Stock or Capital as is hereinafter mentioned, shall be and are hereby ordained, constituted, and declared to be a Body Corporate and Politic, in fact, by and under the name and style of "the President, Directors and Company, of the Port Dover Harbour," and that by this 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

Preamble.

Company Incorporated by the style of the President, Directors and Company of the Port Dover Harbour.