

and Successors, through the Lords Commissioners of His Treasury, in such manner and form as His Majesty, His Heirs and Successors, shall be graciously pleased to direct: *Provided always*, that the said Harbour shall be commenced within two years, and completed within seven years after the passing of this Act, otherwise this Act, and every matter and thing herein contained shall cease, and be utterly null and void.

XVIII. *And be it further enacted by the authority aforesaid*, That nothing herein contained shall give to the said Company, or be construed to give to the said Company, the exclusive right of fishing within the said Harbour, or Lake Shore, within the limits before mentioned. Exclusive right of fishing in Harbour not given to Company.

CHAP. L.

AN ACT to enable the Canada Company to erect a Harbour at Goderich, on Lake Huron.

[Passed 4th March, 1837.]

WHEREAS E. C. Taylor, and others, have petitioned that the Canada Company may have authority to erect a Harbour at Goderich, and collect Tolls to defray the expense of the same: *And whereas*, the improvement of the Harbour at Goderich, situate on Lake Huron, in the London District, would be of great advantage to the owners of Vessels navigating the said Lake, as well as to persons in general living there and in the adjacent country: *And whereas*, the Canada Company's Commissioners, on behalf of the said Company, having already, under a lease of the Water Lots from the Government, expended considerable sums of money in improving the said Harbour, and being still desirous of completing the work in such a manner as should render the Harbour available to such class of Vessels as usually navigate Lake Huron, by carrying out additional lengths of Pier, and erecting such other walls as should effectually remove the remains of the bar at the mouth of the River, and also of erecting suitable Wharves and Warehouses, for the accommodation of Vessels loading or discharging their Cargoes: *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

Company authorised to improve Harbour so as to admit Vessels, within five years.

Quebec, in North America, and to make further provision for the Government of the said Province," and by the authority of the same, That it shall and may be lawful for the said Canada Company, within five years from the passing of this Act, to improve the Harbour at the place aforesaid, in such manner as shall render it accessible to, and fit, safe and convenient, for the reception of such description and burthen of Vessels as commonly navigate the said Lake, and in the constructing of the said Harbour to erect and build all such needful Moles, Piers, Wharves, Erections, Buildings and Edifices, as shall be useful and proper, for the protection of the said Harbour, and for the accommodation of Vessels entering or lying within the same.

When completed so as to admit free passage of Vessels, Company may demand toll.

II. *And be it further enacted by the authority aforesaid,* That as soon as the said Harbour shall be so far completed, as to be capable of admitting the free passage of Vessels into the same, the said Canada Company shall have full power and authority to ask for and demand Toll, as hereinafter mentioned.

Rates of toll to be demanded.

III. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the said Canada Company, to ask, demand and receive Toll, of and from all and every Master, Owner or Person, in charge of any Vessel or Boat, passing into the said Harbour, and also on any Goods, Wares, or Commodities, loading or unloading within the same, according to the Rate following, that is to say :

Pot and Pearl Ashes, per barrel, fourpence.

Salt, Pork, Beef and Whiskey, per barrel, threepence.

Flour, per barrel, twopence.

Lard and Butter, per barrel, threepence.

Lard and Butter, per keg, one penny.

Boards, per thousand feet, one shilling and threepence.

Lumber, per thousand feet, board measure, one shilling and threepence.

Pipe Staves, per thousand, ten shillings.

West India Staves, per thousand, two shillings and sixpence.

Wheat, and all other Grain for exportation, per bushel, one penny.

Merchandize, per barrel bulk, ninepence.

Merchandize, per hundred weight, threepence.

Boats, under twelve tons, one shilling and threepence.

All Boats or other Vessels, under ten tons burthen, free.

Boats and Vessels, above twelve tons, and under fifty, two shillings and sixpence.

All Vessels, over fifty tons, five shillings.

All other Articles of Merchandize, not here enumerated, per barrel bulk, ninepence.

All other Articles of Merchandize, not here enumerated, per hundred weight, threepence.

IV. *And be it further enacted by the authority aforesaid,* That if any person or persons shall neglect or refuse to pay the said Tolls or Dues, to be collected under this Act, it shall and may be lawful for the said Canada Company, or their Agent to receive such Tolls or Dues, to seize and detain such Vessel or Boat, or the Goods on which the same were due and payable, until such dues shall be paid; and if the same shall remain unpaid for the space of thirty days after such seizure, the said Canada Company, or their Agent, shall be at liberty to sell and dispose of the same, or such part thereof as may be necessary to pay the said Tolls or Dues, by Public Auction, after ten days Public Notice, returning the overplus, after deducting costs and charges, to the owner or owners thereof.

Parties refusing to pay toll, Vessel and Goods may be seized;
And sold.

V. *And be it further enacted by the authority aforesaid,* That the Legislature of this Province shall be at liberty, at any time beyond the space of thirty years, to purchase the entire Estate, Property, and use of the said Harbour from the said Canada Company, the estimated value of the Works so erected by the said Company, at the time that they shall be so purchased, to be ascertained by Arbitration of three persons, one of whom shall be appointed by the Governor, Lieutenant Governor, or Person Administering the Government of this Province, another by the said Canada Company, and a third by such two Arbitrators, together with Twenty per Centum advance thereupon, to the credit of which payment all revenue exceeding Twenty per Centum upon the said bona fide expenditure, and over and above the expenses of maintaining and repairing the said Harbour, shall be charged and taken; and it is also hereby provided and declared, that if any deficiency of the said Twenty per Cent. annual profit should occur in the receipt of the Tolls or Dues of the said Harbour, as hereinbefore established, such deficiency shall be also charged against the increasing revenue of the subsequent years, so that the said Canada Company may fairly and actually receive the sum of Twenty per Cent. on the Capital expended, for the whole time for which they shall have been in legal possession and enjoyment of the said Harbour.

Province may purchase Harbour after 30 years, on certain conditions.

VI. *And be it further enacted by the authority aforesaid,* That whenever the said Tolls shall, in the annual receipts, exceed in amount a sum sufficient to defray the expenses of maintaining and repairing the said Harbour, and to afford an annual income to the said Canada Company of Twenty per Cent. profit upon the Capital actually expended in the construction of the said Harbour, from the time of the commencement of its use by vessels, as aforesaid, then and in such case, the increasing surplus

When annual receipts of Company, from tolls, exceed 20 per cent. profit on Capital expended, excess to constitute a sinking-fund, for purchase of the Harbour by the Province.

revenue of the said Tolls shall be charged against the said Canada Company, as so much by them received in the nature of a sinking fund, by means whereof to purchase from the said Canada Company, the entire estate, use and property, of the said Harbour, with the Wharves, Piers and other appurtenances, to and for the use of the public, in such manner and form as the Legislature of this Province may hereafter provide.

Company, when required by Legislature, to render account of Imports and Exports, and tolls received.

•VII. *And be it further enacted by the authority aforesaid,* That the said Canada Company shall, at any time when so required by either branch of the Legislature, furnish a true and correct copy, verified upon oath, of the imports and exports into and out of the said Harbour, and of the Tolls and Dues levied and collected on the same, and that after the first day of January, in the year of our Lord one thousand eight hundred and forty-seven, the Rate of Tolls to be charged and taken by the said Canada Company at the said Harbour, on all Goods imported into or exported therefrom, shall be subject to the regulation of the Legislature of this Province.

CHAP. LI.

AN ACT to Incorporate sundry persons under the style and title of the Beverly Navigation Company.

[Passed 4th March, 1837.]

Preamble.

WHEREAS Thomas Newsom, George Breakenridge, James McDonell, Cleveland Stafford, Peter Schofield, Nathan F. Soper, Charles Davidson, Thomas Sheffield, George Lewis, Richard Lippincott, Robert Dergarvil and others, have petitioned to be Incorporated for the purposes of this Act: *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 Thomas Newsom, George Breakenridge, James McDonell, Cleveland Stafford, Peter Schofield, Nathan F. Soper, Charles Davidson, Thomas Sheffield, George Lewis, Richard Lippincott, Robert Dergarvil, together with all

Company incorporated.