

ment 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 from and after the passing of this Act all claims now pending, or which may hereafter be made, for damages caused as aforesaid, or in any other way whatever, in the maintaining and keeping in repair the said Canal, shall be settled and determined by arbitration, in the same manner as is provided by the before recited and subsequent Acts relating to the Welland Canal, as regards other damages.

All claims now pending or hereafter to be made against the Company, to be settled by arbitration.

CHAP. XXIX.

AN ACT to incorporate sundry persons under the style and title of the Grantham Navigation Company, and for other purposes therein mentioned.

[Passed 6th March, 1838.]

WHEREAS Horatio Nelson Perry, Eleazer W. Stephenson, John Gilleland, George Adams, Walter Ditterick, John McCarthy, John Stuart, James Taylor, James R. Benson, William C. Chace, John Gibson, James B. Glendenning, Charles Rolls, Alexander Boles, Frederick L. Converse, and others, have by petition prayed to be incorporated, for the purposes of this Act, and it is expedient that the prayer of the said petition should be granted: *Be it therefore enacted* by the Queen’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 Horatio Nelson Perry, Eleazer W. Stephenson, John Gilleland, George Adams, Walter Ditterick, John McCarthy, John Stuart, James Taylor, James R. Benson, William C. Chace, John Gibson, James B. Glendenning, Charles Rolls, Alexander Boles, Frederick L. Converse, together with all such persons as shall become Stockholders of the Company hereinafter mentioned, shall be and they are hereby ordained, constituted and declared, to be a body corporate and politic, in fact and by the name of the Grantham Navigation Company, and by that name they

Preamble.

Persons therein named incorporated by the name and style of the Grantham Navigation Company.

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 matter of actions.

II. *And be it further enacted by the authority aforesaid,* That the Directors of the Grantham Navigation Company shall have full power and authority to take, appropriate, have and hold, to and for the use of them and their Successors, the line and boundary of a Canal or Slack Water Navigation, with such necessary erections as may be required by the said Company for the purposes thereof, from the Welland Canal up to the valley of the Twelve Mile Creek, to Perry's mill-dam, now erected over the Twelve Mile Creek in the township of Grantham.

Authority given to Company to appropriate line and boundary of Canal &c.

III. *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 said Canal, 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 in behalf of themselves, their Heirs and Successors, but also for and in behalf of those whom they represent, whether infants, lunatics, idiots, femmes coverts, or other 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 and 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.

Authority given to all persons interested in lands &c, necessary for Canal, to convey same to Company.

IV. *And be it further enacted by the authority aforesaid,* That in case of any disagreement between the said Directors and the owner or owners, occupier or occupiers aforesaid, it shall and may be lawful from time to time, as often as the said Directors shall think fit, for each owner or occupier so disagreeing with the said Directors, either upon the value of the lands and tenements proposed to be purchased, or upon the amount of damages to be paid to them as aforesaid, to nominate and appoint one indifferent person, and for the Directors to nominate and appoint another

Parties disagreeing as to value of lands, to refer same to arbitration.

indifferent person, who shall be Arbitrators to award and determine the respective sums of money which the said Company shall pay to the person entitled to receive the same; and in case the two Arbitrators so named shall disagree on the amount to be paid to the individuals so claiming, the said Arbitrators shall name and appoint one other person as Umpire, whose decision shall be final on the matter referred to him; and the parties are hereby required to attend at some convenient place in the vicinity of the route of the said navigation, to be chosen by the Directors, within eight days after notice given by the said Directors for that purpose, then and there to arbitrate, determine and adjudge, such matters and things as shall be submitted for their consideration by the parties interested; and that each Arbitrator shall be sworn before some one of Her Majesty's Justices of the Peace in and for the said District, 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 judgment.

Company to fix rates and dues to be taken, &c. and to give notice of same.

V. *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 Canal 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 notice of the same; and that a schedule of rates shall be affixed on the different public places on the route of the said Navigation.

Shares in Company; £12 10s. each.

Capital Stock not to exceed £50,000.

VI. *And be it further enacted by the authority aforesaid,* That each Share in the said Company shall be twelve Pounds ten Shillings, Currency; and the number of Shares shall not exceed four thousand, constituting a Capital not exceeding fifty thousand Pounds; and that books of Subscription shall be opened in the Village of Saint Catharines, within one month after the passing of this Act, by such person or persons, and under such regulations as the majority of the said Petitioners, at a meeting to be called by any one of them for that purpose, in the Township of Grantham, shall direct.

Number of votes proportioned, &c.

VII. *And be it further enacted by the authority aforesaid,* That each Stockholder shall be entitled to 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, according to the following ratios, that is 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 five shares above ten.

VIII. *And be it further enacted by the authority aforesaid,* That the stock, property, affairs and concerns, of the said Company, shall be managed by three Directors, one of whom shall be President, who shall hold their offices for one year, and shall be Stockholders to the amount of at least ten shares, and be elected on the first Monday in May in each year, public notice of which election shall be given in at least one Newspaper published in the District of Niagara, not less than thirty days previous to the election; and all elections of Directors shall be by ballot, and the three persons who shall have the greatest number of votes at any such election shall be Directors, 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 three shall by plurality of votes appear to be chosen as Directors, then the Stockholders hereinbefore authorised to hold such election shall proceed to ballot a second time, and by 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 three; and in case any vacancy or vacancies shall at any time happen among the Directors by death, resignation, or removal from the Province, the same shall be filled for the remainder of the year by such person or persons as the remaining Director or Directors may appoint.

Management of affairs of Company to be intrusted to Directors;

Qualification;

Mode of election, &c.

IX. *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 appear 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, 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.

Rules, &c. to be established by Directors.

X. *And be it further enacted by the authority aforesaid,* That all penalties and forfeitures for offences against this Act, or against any Rule, Order or By-Law of the said Company, to be made in pursuance thereof, for the levying and recovering whereof no particular mode is herein before mentioned, shall, upon proof of the offences respectively before any two of the Justices of the Peace for the District of Niagara, either by confession of the party or parties, or by the oath of one credible witness, (which oath such Justices are hereby 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 hands and seals of said Justices, (which

Mode of imposing and levying penalties, &c.

warrant such Justices are hereby required 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 or 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 Common Gaol of the District of Niagara, there to remain without bail or mainprize for such time as the said Justices may direct, not exceeding twenty days, unless such penalties and forfeitures and all reasonable charges attending the same shall be sooner paid and satisfied; all which penalties and forfeitures when levied and satisfied as aforesaid, shall be paid to the said Company, to be by them applied to the purposes of the said navigation.

Appropriation of penalties.

Yearly dividends to be made.

XI. And be it further enacted by the authority aforesaid, That it shall be the duty of the Directors to make yearly dividends of so much of the profits of the said Corporation as to them, or a majority of them, shall appear advisable.

Instalments to be called in, &c.

XII. And be it further enacted by the authority aforesaid, That the Directors to be hereafter appointed by virtue of this Act, as soon as they may deem expedient, may from time to time call in instalments upon the Capital Stock: *Provided* no instalment shall be called for or become payable in less than thirty days, after public notice shall have been given in some public Newspaper published in the District of Niagara: *Provided always,* that if any Stockholder or Stockholders shall neglect or refuse to pay to the said Directors the amount due upon any share or shares held by him, her or them; at any time when required by Law so to do, such Stockholder or Stockholders shall forfeit such share or shares, with the amount previously paid thereon; and such share or shares may be sold by the said Directors, and the sum arising therefrom, together with the amount previously paid thereon, shall be accounted for and divided in like manner as other monies of the Corporation.

Forfeiture of Shares provided for.

Company not dissolved by reason of non-election of Directors, &c.

XIII. And be it further enacted by the authority aforesaid, That in case it should 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 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.

XIV. *And be it further enacted by the authority aforesaid, That after* Power given to Her Majesty to assume Canal after 30 years, under certain restrictions. a period of thirty years after the making and completing the said Canal, it shall and may be lawful for Her Majesty, Her Heirs and Successors, to assume the possession and property of the same, and of all and every the works and dependencies thereto belonging, or in anywise appertaining, upon paying to the said Company, their heirs, executors, administrators or assigns, the full amount of their respective shares, or of the sums furnished and advanced by each Subscriber towards the making and completing the said Canal, together with such further sum as will amount to twenty-five per centum upon the monies so advanced and paid, as a full indemnification to such Company, and the said Canal shall from the time of such assumption in manner aforesaid appertain and belong to Her Majesty, Her Heirs and Successors, who shall from thenceforth be substituted in the place or stead of the said Company, their heirs and assigns, for all and every the purposes of this Act, in so far as regards the said Canal.

XV. *And be it further enacted by the authority aforesaid, That every* Surety to be given by Treasurer. Treasurer, before he enters upon the duties of his office, shall give bond, with two or more sureties, in such sum as may be satisfactory to the Directors, with condition for the faithful discharge of his duty.

CHAP. XXX.

AN ACT to Incorporate sundry persons, under the name of the Kingston Marine Railway Company.

[Passed 6th March, 1838.]

WHEREAS John Counter, John Strange, John Watkins, Alexander McNab, Henry Gilderslieve, John McIntyre, and others, have by petition Preamble. set forth, that they have at a great expense erected a Marine Railway, at the Town of Kingston, for the purpose of repairing Steam-boats and other vessels, and have made other erections, and are anxious to be incorporated for the purpose of enabling them to carry on the business more extensively, and that it would be of great advantage to the Town of Kingston, and would afford employment to a great number of persons: *And whereas* it is expedient to incorporate the said petitioners for the purposes hereinafter mentioned: *Be it therefore enacted*, by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative