

Laws of His Majesty's Province of Upper Canada, passed in the year 1834. York: Robert Stanton, 1834.

4 William IV — Chapter 22

An Act to authorise the Niagara Canal Company to make a Canal navigable by Schooners to lead from the Welland Canal into the River Niagara. Passed, 6th March, 1834.

Whereas by an Act passed in the Second Session of this present Parliament entitled, "*An Act to repeal part of and amend the Charter of the Niagara Canal Company*," it is provided, that nothing therein contained shall extend or be construed to extend to prevent the Parliament of this Province from authorising the extension of the said Branch Canal for the purposes of a Ship Navigation at any future period should it be thought expedient so to do: And whereas it would forward the execution of the said work if the said Branch Canal was constructed for the use of Ships as well as Boats, and it would also greatly promote the interests of the Town of Niagara as well as places adjacent, if the Stockholders of the said Branch Canal were authorised so to do: 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 it shall and may be lawful for the said Niagara Canal Company to enlarge the dimensions of the said Branch Canal for Ship navigation as well as Boats: Provided that the Locks thereon shall in no instance be less than twenty-two feet in width, and one hundred, and ten feet in length, and the depth not less than eight feet over the mitre sill.

II. And be it further enacted by the authority aforesaid, That so much of the ninth clause of an Act passed in the tenth year of the reign of His late Majesty King George the Fourth, entitled "*An Act to render effectual certain Securities to be given by the Welland Canal Company for a Loan advanced by His Majesty's Government, and for other purposes relating to the said Canal; and also for authorising the making of a lateral Cut from the Welland Canal through the Town of Niagara to the mouth of the Niagara River, by a Company Incorporated for that purpose*," as limits the said Branch Canal to a Boat Navigation, and the Capital Stock to Twenty-five Thousand Pounds: Also so much of the tenth clause of the said Act as limits the number of Directors to three, be and the same is hereby repealed.

III. And be it further enacted by the authority aforesaid, That the Capital Stock of the said Company shall not exceed One Hundred Thousand Pounds, to be held in Shares of Twelve Pounds Ten Shillings each; and the number of Directors from and after the passing of this Act shall be Five, of whom three shall be a quorum, to be chosen and appointed as provided for in the said Act passed in the tenth year of the reign of His late Majesty King George the Fourth.

IV. And be it further enacted by the authority aforesaid, That the Legislature of this Province may at any time hereafter, by An Act to be passed for that purpose, provide for the assumption by and on behalf of the Government of this Province of the property of the said Niagara Canal, and all works and interests connected therewith, upon such terms as to the Legislature shall seem just.

V. And be it further enacted by the authority aforesaid, That when and so often as it shall be necessary to cut into any Highway, Road or Street, in order to conduct the said Canal through the same, the said Company shall within one month cause to be constructed, a secure, sufficient and commodious Bridge or Bridges, and to keep the same in repair for the passage of carriages, in order to re-establish the communication between the several parts of such Highway, Road or Street, under the penalty of five pounds for each and every day, after the expiration of the said time, which the said Company shall neglect to construct such secure, sufficient, and commodious Bridge or Bridges as aforesaid.

VI. And be it further enacted by the authority aforesaid, That the twelfth, thirteenth, fourteenth, fifteenth, sixteenth, seventeenth, eighteenth, twentieth, twenty-first, twenty-second, twenty-third, twenty-sixth, twenty-eighth, (except so much thereof as provides for the Election of Directors on the first Monday in April,) twenty-ninth, (except so much thereof as provides for the Election of Directors on the first Monday in April,) thirtieth, thirty-first, thirty-second, thirty-third, thirty-fifth, thirty-sixth, thirty-eighth, and thirty-ninth clauses of an Act passed in the fourth year of the reign of His said late Majesty King George the Fourth, entitled "An Act to Incorporate certain persons therein mentioned under the style and title of the Welland Canal Company," shall apply to and be in force with respect to the Niagara Canal Company, and the objects for which they are associated as extended by this Act, in the same manner and for the same purposes respectively as the same are applied by the said Act passed in the fourth year of His late Majesty's reign, to the Welland Canal Company.

VII. And be it further enacted by the authority aforesaid, That it shall and may be lawful for any person or persons possessing Lands through which the said Canal shall pass to erect a Bridge at his own expense to connect the same; Provided always, that such Bridge shall not present greater obstacles to the navigation of the said Canal than the Bridges erected thereon by the said Company.

VIII. And be it further enacted by the authority aforesaid, That in all times to come, all Vessels and Boats the property of His Majesty, and all other Vessels and Boats, when engaged in carrying His Majesty's Stores, shall be at liberty to pass and repass upon and through the said Canal and Locks without the payment of any duty or toll.

IX. And be it further enacted by the authority aforesaid, That Books of Subscription shall be opened in the several Assize Towns in this Province within two months after the passing of this Act, by such person or persons and under such regulations as a majority of the said

Petitioners assembled at a meeting to be called by any one of them in the Town of Niagara for that purpose shall direct.

X. 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, either in person or by proxy.

XI. And be it further enacted by the authority aforesaid, That the whole amount of Stock that shall hereafter be paid in, upon the Subscription of the said Company, shall from time to time be deposited in the Bank of Upper Canada, or a Branch of any Chartered Bank, at the discretion of a majority of the Directors that may be established in the Town of Niagara, and there placed to the Credit of the Niagara Canal Company, to be withdrawn only by order of a Board of Directors, signed by the President or Vice President, and countersigned by the Secretary of the Board for the time being.

XII. And be it further enacted by the authority aforesaid, That in the absence of the President at any meeting lawfully called, the Directors then and there present, may appoint a Vice-President or Chairman for said meeting only; and that no person shall be eligible to be a Director of the said Company who shall not be a Stockholder in the said Company to the amount of twenty shares at the least, any thing herein, or in any former Act contained, to the contrary thereof in any wise notwithstanding.

XIII. And be it further enacted by the authority aforesaid, That nothing herein contained shall extend, or be construed to extend to authorise the said Company to carry on the business of Banking.

XIV. 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 in any of its Provisions as they may think proper, for affording just protection to the public or to any person or persons in respect to their estate or property, or any interest therein, or advantage, privilege, or convenience connected therewith, that may be affected by the powers given by this Act.

XV. And be it further enacted by the authority aforesaid, That whatever sum of money may be awarded to any person or persons for compensation for property required to be occupied, or for damages occasioned by the interference of the said Company with his or their property, right or privileges, shall be paid within three months from the time of the same being awarded; and in case the said Company shall fail to pay the same within that period, then their right to assume any such property, or commit any act in respect of which such sum of money was awarded, shall wholly cease, and it shall be lawful for the proprietor to resume his occupation of such property, and to possess fully his rights and privileges in

respect thereof, free from any claim or interference of the said Company, until the sum so awarded be paid.

XVI. And be it further enacted by the authority aforesaid, That the Directors first to be chosen by virtue of this Act shall be the Directors of the said Company until the first Monday in the month of May next succeeding their Election, and no longer.