

*Laws of His Majesty's Province of Upper Canada*, passed in the year 1857. Toronto: Stewart Derbyshire & George Desbarats, 1857.

20 Victoria – Chapter 110

**An Act to enable the Municipal Council for the Township of Stanley, to construct a Harbour at the entrance of the River Bayfield into Lake Huron. Assented to 27th May, 1857.**

Whereas the Municipal Council for the Township of Stanley, in the County of Huron, have petitioned that they may have authority to construct a Harbour at the entrance of the river Bayfield into Lake Huron, and to collect Tolls to defray the expense of the same; And whereas the improvement of the harbour at Bayfield would be of great advantage to the owners of vessels navigating the said Lake, as well as tend to the general improvement of property in the adjacent country, and the said Municipal Council have already expended the sum of three thousand seven hundred pounces in improving the said harbour, and are desirous of completing the said work in such a manner as would render the harbour available to such class of vessels as usually navigate Lake Huron, by carrying out additional piers and such walls, and doing such dredging as would effectually remove the remains of the bar at the mouth of the said river, and also of erecting suitable wharves and warehouses for the accommodation of vessels loading or discharging their cargoes: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

I. It shall and may be lawful for the Municipal Council of the said Township of Stanley, at any time within seven years from the passing of this Act, to improve the harbour at the place aforesaid so as to render it accessible to, and fit, safe, and convenient for, the reception of such description and burden of vessels as commonly navigate Lake Huron, and in the constructing of the said Harbour, to erect and build all such needful wharves, moles, piers, buildings and edifices as shall be useful and proper for the protection of the said harbour, and for the accommodation of vessels entering and lying within the same: Provided always, that such harbour shall not be made by the said Municipal Council, nor shall any part of the beach or land covered by the waters of the said Lake or other public property, be taken by the said Municipal Council until the plan of the said harbour shall have been approved by the Governor in Council, and the terms upon which the Council shall acquire and hold such public property, shall be settled, nor shall such plan be thereafter changed without the consent of the Governor in Council.

II. The said Municipal Council shall be and are hereby empowered to acquire and hold such land and property as may be necessary for constructing and using the said harbour, and to contract, compound, compromise, and agree with the owners of any land through or upon which they may determine to cut and construct the said harbour, with all necessary and convenient roads, streets and approaches thereto, to be constructed and made, either for the absolute purchase of so much of the said land as they shall require, or for the damages which he, she, or they may be entitled to recover from the said Municipal Council, in consequence of the said harbour, roads, streets, or approaches thereto, being cut, made, or constructed in and upon his, her, or their respective lands: and in case of any disagreement between the said Municipal Council and the owner or owners, as aforesaid, it shall and may be lawful for the person or persons who shall own such property to name an Arbitrator and give

notice thereof in writing to the clerk of the said Corporation, and the Head of the Corporation shall, within seven days after such notice, name an Arbitrator on behalf of such Corporation and give notice thereof to the person or persons owning the said property and appointing such Arbitrator as aforesaid, or if within one calendar month after service of a copy of the proper By-law, certified to be a true copy under the hand of the Cleric of the said Corporation on the person or persons owning such property, such person or persons shall omit to name an Arbitrator and give notice thereof as aforesaid, it shall and may be lawful for the Head of such Corporation to name an Arbitrator on behalf of such Corporation, and to give notice thereof to the person or persons owning the said property, and such person or persons shall within seven days after such notice name an Arbitrator on his or their behalf; and upon such two Arbitrators being so named as aforesaid, they shall within seven days thereafter appoint a third Arbitrator, and the said three Arbitrators, or the majority of them, shall have power to determine upon and award the amount of damages, if any, to be paid to such person or persons as aforesaid, and their award shall be binding on such person or persons and on the said Corporation respectively, so as such award be made in writing within thirty days after the appointment of the third Arbitrator as aforesaid: Provided always, that if any such owner or occupier shall neglect to name an Arbitrator for the space of seven days, after having been notified so to do, or if the said two Arbitrators do not within the space of seven days after their appointment, agree upon such third Arbitrator, or if any one of the said Arbitrators shall refuse or neglect within the space of seven days after his appointment to take upon him the duties thereby imposed, then upon the application of the Head of the Corporation or of the other party, it shall be lawful for the Judge of the County Court, to nominate any disinterested competent person or persons, from any Township other than the Township in which such land shall be situate, to act in the place of such Arbitrator or Arbitrators so refusing or neglecting as aforesaid, and that every Arbitrator so appointed by the Judge of the County Court as aforesaid, shall and he is hereby required to hear and determine the matter to be submitted to him, with all convenient speed, after he shall have been so nominated as aforesaid, and any award made, by a majority of the said Arbitrators, shall be as binding as if the three Arbitrators had concurred in and made the same: And provided also, secondly, that every such submission and award shall be subject to the jurisdiction of Her Majesty's Superior Courts of-Common Law for Upper Canada, in the same manner and to the same extent for all purposes whatsoever, as if there had been a submission of the matters in difference by Bond between the parties, containing an agreement that such submission should be made a rule of either of such Courts.

III. So soon as the said harbour shall be so far completed as to be capable of admitting the free passage of such vessels as aforesaid into the same, the said Municipal Council shall have full power and authority to ask for, demand and levy tolls as hereinafter provided.

IV. It shall and may be lawful for the said Municipal Council to ask, demand and receive tolls of and from all and every master, owner, and person in charge of any vessel or boat passing into the said harbour, and also on any goods, wares, or commodities, laden or unladen within the same, or shipped or landed on or from any boat or vessel upon any part of the Lake Shore between one mile north and one mile south of the said river, in the Townships of Goderich and Stanley, according to the rates following, that is to say:

|   |    |   |    |
|---|----|---|----|
| For Pot and Pearl Ashes per barrel                    | £0 | 0 | 4  |
| Pork, Whiskey, Beef, Salt, Lard or Butter, per barrel | 0  | 0 | 3  |
| Flour, per barrel                                     | 0  | 0 | 2  |
| Lard or Butter per firkin or keg                      | 0  | 0 | 1  |
| Grain of all kinds per bushel                         | 0  | 0 | 1  |
| Horned Cattle or Horse each                           | 0  | 0 | 4  |
| Calves, Sheep or Swine each                           | 0  | 0 | 1  |
| Merchandise per ton                                   | 0  | 3 | 0  |
| Coal per ton  | 0  | 0 | 6  |
| Sawed lumber, per 1000 feet, board measure            | 0  | 1 | 3  |
| Square timber, per 100 feet cubic measure             | 0  | 0 | 9  |
| Saw logs each   | 0  | 0 | 1½ |
| Building stone per cord                               | 0  | 0 | 6  |
| Bricks per 1000                                       | 0  | 1 | 3  |
| Unenumerated articles per ton                         | 0  | 2 | 0  |
| Vessels or Boats over 50 tons each                    | 0  | 3 | 0  |
| Do        over 12 tons not over 50 tons each          | 0  | 2 | 0  |
| Do        over 5 tons not over 12 tons each           | 0  | 1 | 0  |

V. If any person or persons shall refuse or neglect to pay the said tolls or dues to be collected under this Act, it shall and may be lawful for the said Municipal Council, or their agent for collecting such tolls or dues, to seize and detain the goods, vessel or boat upon which the same are 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 Municipal Council or their agent shall have power 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, if any, after deducting costs and charges,, to the owner or owners thereof.

VI. It shall and may be lawful for the said Municipal Council to make By-laws for the proper regulation and management of the said harbour with power to impose penalties in the same, with imprisonment for default of payment thereof; but the amount of such penalties, and term of such imprisonment shall in no case exceed those authorized in the case of breaches of By-laws of Municipalities under the Upper Canada Municipal Corporations Acts.

VII. The whole sum expended and to be expended by the said Council in making and completing the said Harbour and works, shall not exceed Ten Thousand Pounds, and may be raised by the said Municipal Council by rate or loan, at such times and in such proportions as the said Municipal Council shall deem fitting, but subject otherwise to the provisions of Law touching the raising of moneys by Municipalities by rate or loan, as the case may be.

VIII. The said Municipal Council shall be empowered and are hereby empowered to set, let, lease, or sell their interest in the said harbour to any party or parties who may be disposed to become tenants or purchasers of the same: Provided always, that the consent of a majority of the Rate-payers, present at a meeting to be publicly called for the special purpose of considering the terms of lease or sale, be

first obtained, which public meeting shall be convened by notice in a newspaper published and circulated within the County, and by at least three public notices posted in each ward in the Township of Stanley, which publication and notice shall have currency for one month prior to the day of meeting.

IX. This Act shall be deemed a Public Act.