

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

20 Victoria – Chapter 15

**An Act to encourage Mining Companies by empowering them to construct gravel or macadamized roads or tramways to connect with railways, highways and navigable waters. Assented to 27th May, 1857.**

Whereas it is advisable to afford every encouragement to the development of the Mineral wealth of Canada: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

I. The proprietors of any Mine in Canada shall have power to construct a gravel or macadamized road or a tramway from their Mines to the nearest navigable waters or railway or highway, and shall be vested with power to take any land required for right of way and stations at a fair valuation, under the provisions of the eleventh section of the Railway Clauses Consolidation Act, in that behalf, headed "Lands and their Valuation," which shall apply to such proprietors, provided the said gravel or macadamized road or tramway shall not exceed twenty miles in length.

II. The proprietors of any such Mine holding lands in fee simple having a frontage of one mile or upwards on any navigable lake, river or stream, shall have power to construct harbours, wharves, piers and other erections thereon, at the bank of such lake, stream or river, for the accommodation of all kinds of steamers, vessels and craft, and to make rules and regulations for the government and management of such wharves and harbours, and to impose and levy according to a tariff to be by them adopted for that purpose, and which may be from time to time altered and amended, reasonable wharfage and harbour dues and fines for the infraction of such rules and regulations; Provided always, that no such rules and regulations or such tariff shall be of any force or effect until sanctioned or approved of by His Excellency the Governor General, and that no fine thereby imposed shall exceed five pounds for any one offence, which fine shall be recoverable in a summary way before any two Justices of the Peace, as if imposed by Act of the Legislature.

III. It shall and may be lawful for any Mining Company, or the proprietors of any Mine, to improve and render navigable for the transport of freight to and from such Mine, any water course or water courses, or to construct a channel of communication between navigable water courses, as may be found necessary and requisite for the full and proper development of such river or rivers for the more advantageous working of such Mine, and the conveyance of freight to and from the same: Provided always, that such Mining Companies or proprietors of mines shall be liable to indemnify all or any person or persons who may suffer injury to property or rights in consequence of their so doing, according to the laws of that part of the Province in which such water courses may be respectively.

IV. And for the purposes aforesaid such Mining Company or proprietors of any Mine are hereby authorized and empowered to enter into and upon the lands of the Queen's Most Excellent Majesty, or of any person or persons, body corporate or otherwise, for the purposes and subject to the

conditions aforesaid, and to survey and take levels of the same or any part thereof, as shall be found necessary and proper for the construction of tramways or for making channels of water communication or improving the navigation of any water course or water courses, so as to facilitate the working of such Mine and the conveyance of freight to and from the same as aforesaid.

V. Provided always, That no beach lot or land covered with water or other public property shall be taken under this Act without the consent of the Governor in Council, and then upon such terms and conditions as he shall think proper; no Harbour or River improvement shall be made under this Act, or any property taken therefor; until the proposed plan and extent thereof, and of the works therewith connected, shall have been submitted to and approved by the Governor in Council; but such plan may afterwards be altered and extended with such consent and approval.