



ANNO TERTIO-DECIMO & QUARTO-DECIMO  
V I C T O R I Æ · R E G I N Æ .

CAP. LXXIII.

An Act to vest the Harbour at Cobourg in the Municipality of that Town.

[ 10th August, 1850. ]

**W**HEREAS the Harbour at Cobourg has never been completed, notwithstanding that the time allowed to the President, Directors and Company of the Cobourg Harbour, for that purpose, has long since expired; And whereas by a certain Indenture, bearing date the eighteenth day of August, one thousand eight hundred and forty-two, and executed by and between the President, Directors and Company of the Cobourg Harbour, of the one part, and the Board of Works, of the other part, the said Harbour and its appurtenances were conveyed and assigned to the Board of Works in security for all such moneys as the Provincial Government in this Province had expended or should expend upon the said Harbour; And whereas the sum of Ten thousand five hundred pounds, or thereabout, has been expended by the Provincial Government upon and in improving the said Harbour, and for the money so expended Her Majesty holds the said Harbour, its tolls and appurtenances in security, under and by virtue of the said conveyance to the Board of Works; And whereas the Town Council of the Town of Cobourg have contracted with the Government for the purchase by the Town of the interest of the Government in the said Harbour and its appurtenances, and it hath been agreed by the Government to assign such interest and the right and title of Her Majesty to the said Harbour and its appurtenances to the Municipal Corporation of the said Town for a consideration agreed upon; And whereas in consequence of the non-completion of the said Harbour and its present imperfect state, the stock of the said Company has become very much depreciated in value; And whereas the Town Council of the Town of Cobourg have agreed with divers of the Stockholders of the said Company for the purchase of the Stock held by them, and are desirous of becoming possessed of the said Harbour, and of having the management and control thereof; And whereas it is most desirable that the said Harbour should be rendered and made as safe, commodious and convenient as possible, and the said Town Council are interested on behalf of the said Town of Cobourg in improving and keeping improved the said Harbour for the purposes of the trade of the said Town, and attracting thither vessels navigating the Lake; And whereas the said Company have, by the non-completion of the said Harbour within the time prescribed by their Act of Incorporation and the Acts amending the same, rendered themselves liable to a forfeiture of the rights, privileges and powers conferred upon them as such Company, and to have their Act of Incorporation declared void: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the Corporation of *The President, Directors and Company of the Cobourg Harbour*, created by the Act of the Parliament of Upper Canada, passed in the tenth year of the Reign of King George the Fourth, and intituled, *An Act to improve the navigation of Lake Ontario*

Preamble.  
Recital.

Corporation created  
by Act of U. C. 10  
Geo. 4, c. 11, dissolved,  
and the Act to cease,  
&c.

by authorizing the construction of a Harbour at Cobourg, by a Joint Stock Company, shall be, and the said Corporation is hereby dissolved; and the said Act, and the Acts amending it, shall cease from and after the passing of this Act, so far as regards any thing to be done by the said Corporation or the Stockholders thereof, subject nevertheless to the provisions hereinafter contained in favor of those now holding Stock in the said Company; and the assignment made by the Provincial Government to the Municipal Corporation of the said Town is hereby confirmed and made valid, and the sum thereby agreed to be paid by the said Corporation shall be a debt due to Her Majesty by it.

Assignment confirmed.

Harbour, &c, vested in the town corporation.

II. And be it enacted, That the said Harbour and all the land attached thereto, or hereafter to be attached thereto, and the moles, piers, wharves, buildings, erections and appurtenances, and all other things now erected, or being or belonging to or used with or in the said Harbour and heretofore vested in the said Company, and all other moles, piers, wharves, buildings and erections to be hereafter erected, set up or established in the said Harbour, and all materials which shall be, from time to time, got or provided for constructing, building, repairing or maintaining the said Harbour or the erections therein made, or the appurtenances thereto, and all claims for sums of money due to the said Company for tolls, and all tolls which the said Town Council are by this Act authorized to levy, and all rents, issues, profits, fees and emoluments derivable or to be derived from the said Harbour and appurtenances, and every thing thereto belonging, shall be, and the same are hereby vested in the Municipal Corporation of the Town of Cobourg for ever, and shall be under the control and management, and within the jurisdiction of the Council of the said Town; and the said Harbour, in its present or future state, and with any additions that may be made thereto, shall, and the same is hereby declared to be within the limits, and to be part of said Town of Cobourg; and all sums of money due to the said Company for tolls may be sued for and recovered by the said Municipal Corporation by virtue of this Act: Provided always, that when recovered, all such sums shall be the property of the Company for the benefit of such Stockholders as in the sixth section mentioned; and whenever such sums shall amount to a sum sufficient to pay a dividend of three per cent. to such Stockholders, such dividend shall be from time to time paid to them thereon, until the last dividend which shall be declared at such rate per cent. as shall cover the balance remaining unpaid.

And to be part of the town.

Proviso.

Town council, with approval of Governor in council, may levy tolls, &c.

III. And be it enacted, That the said Town Council shall and may have power and they are hereby authorized by By-laws, subject to the approval of the Governor in Council, to fix and determine and to alter from time to time as they may see fit, the rate of tolls to be chargeable and paid on all vessels and boats entering the said Harbour, and on all goods, chattels, wares and merchandize shipped or landed on board or out of any vessel or boat in the said Harbour, or between the eastern boundary of lot number thirteen and the western boundary of lot number twenty-one, in the Township of Hamilton, in the County of Northumberland, and to ask, demand, recover and receive the same to and for the use of the said Town Council; and in case of neglect or refusal by any person or persons owning or in charge of any such vessel, boat, goods, chattels, wares or merchandize, to pay the tolls legally collectable thereon under this Act, or in case of any vessel, boat, goods, chattels, wares or merchandize on which such tolls may be chargeable, lying or remaining in or adjacent to such Harbour, unclaimed and without the tolls thereon being paid for ten days after such tolls shall have been legally chargeable thereon, to seize and detain the vessels, boats, goods, chattels, wares or merchandize on which such tolls may be due, payable or chargeable, and if such tolls shall remain unpaid thereon for the space of twenty days after such seizure, then to sell and dispose of such goods, chattels, wares, merchandize, vessels or boats, by and at public auction, for the best price that can be obtained for the same, first giving ten days notice thereof by inserting the same in a newspaper (if any) published in the Town of Cobourg, and by putting up a notice on some conspicuous place in the said Harbour, and out of the proceeds of such sale to deduct and pay the tolls in arrear and unpaid upon the things sold, and the expenses of and incident to such sale, and the residue, if any, to pay over, when demanded, to the owner or owners of the things so sold.

Mode of enforcing payment.

IV. And be it enacted, That it shall and may be lawful for the said Town Council, and they are hereby empowered to make such additions and improvements in and to the said Harbour, as they from time to time may think fit, and to make and adopt from time to time such By-laws and Regulations, and enter into such contracts as they shall approve, for managing and controlling the said Harbour and leasing any portion or portions thereof, and improving or adding to the said Harbour, and to employ such servants and agents in and about the business of the said Harbour as they shall require, and generally to do and perform all such acts and exercise all such powers as shall be necessary for the efficient management of the said Harbour, and to contract for, purchase and take conveyances of, to and for the purposes of the said Harbour, in extending or improving the same as they may think fit, such additional land as they can acquire, and the same, when so acquired, shall vest in the Municipal Corporation of the said Town for ever; and the said Town Council shall and may, from time to time, as they shall see fit, sell, depart with and convey any portion of the land now forming part of or attached to, or hereafter to be acquired for or attached to the said Harbour, which they may find unnecessary for the purposes of such Harbour; and in case the said Town Council shall not be able to agree with the owner or owners for any property which they may desire either to purchase absolutely for the use and purposes of the said Harbour, or in or about which they may desire to make any road, street, cut, drain or other improvement for the purposes of the said Harbour, either for the price of such property or the amount of damages which the parties, or party over, in or upon whose land such road, street, cut, drain or other improvement may be made, shall be reasonably entitled to, such land may be taken and such road, street, cut, drain or other improvements made by the said Council in the manner and subject to the provisions made in and by the one hundred and ninety-fifth, one hundred and ninety-sixth and one hundred and ninety-seventh Sections of the Act passed in the twelfth year of Her Majesty's Reign, and intituled, *An Act to provide by one general law, for the erection of Municipal Corporations, and the establishment of Regulations of Police in and for the several Counties, Cities, Towns, Townships and Villages in Upper Canada*, which shall apply as if the said Council had been authorized by the said Act to take such land or to do such thing as aforesaid without the consent of the owner of the property taken or affected.

Town council may improve and enlarge the harbour.

How land, &c. may be taken or entered upon, &c. for harbour purposes.

12 Vict. c. 81.

V. And be it enacted, That for the purpose of completing and improving the said Harbour and of erecting additional wharves, moles and piers therein, and of making such other additions and improvements therein as the said Town Council shall resolve on and approve, it shall and may be lawful for the said Town Council, and they are hereby authorized to borrow such sum or sums of money from time to time as they may deem requisite, and if they shall see fit, to secure and provide for payment of the same, by issuing from time to time, in the name of the Municipal Corporation of the said Town, debentures for sums not less than One hundred pounds and redeemable within twenty years after the issue thereof with interest at a rate not exceeding eight per cent. per annum, and such debentures shall be transferable, and the holder or holders of such of them as are not paid within or at the time at which they shall be made redeemable shall and may sue for and recover against the said Municipal Corporation of the said Town the amount thereof, with the interest thereby agreed to be paid; Provided nevertheless that all such debentures, shall, on the face thereof, in some sufficient form of words, show and express that they are issued for or on account of the said Harbour.

Town council may borrow money for improving the said harbour.

Debentures may be issued.

Proviso.

VI. And be it enacted, That all parties who at the time of the passing of this Act, hold any stock of the Company hereinbefore mentioned, and shall not have sold or transferred the same to the Municipal Corporation of the said Town, shall be entitled to be, and shall be interested in and considered to hold Stock in the said Harbour to the amount paid up on the Stock held by them as aforesaid, but without any right nevertheless to interfere in the management or control of the said Harbour; Provided that within six months after the passing of this Act they notify to the said Town Council, by writing

As to parties who have not sold their stock to the town.

Proviso. they must notify the council.

Rights reserved to such stockholders.

Statements to be published by the corporation.

Dividends to be paid.

Such stock transferable.

Proviso.

Proviso: any stockholder may compel the corporation to purchase his stock at a certain rate.

Saving of general powers of town council.

Public Act.

writing under their hands respectively, the amount of Stock of the said Company held by them at the time of the passing of this Act, and the amount paid up by them on such Stock; and the value and extent of the interest of such persons in the said Harbour shall be regulated in manner following, that is to say: They shall be entitled annually hereafter to a dividend upon the said Stock of the rents, issues, profits, annual fees and tolls derived from the said Harbour (after paying all the current expenses of managing the said Harbour, and the interest on any money which may be borrowed from time to time for improving the same, and the interest of the sum expended by the Government upon the said Harbour, and now assigned to the Municipal Corporation of the said Town Council) in the proportion which the amount of Stock held by them in the said Harbour, shall bear to the aggregate amount assigned by the Government to the Municipal Corporation of the said Town, the sum paid by the said Council to individual Stockholders, or otherwise in acquiring the said Harbour, and the sum expended by the said Town in improving and completing the said Harbour; and so long as any such Stockholders shall remain, the said Town Council shall annually, that is to say, on the second Monday in January in each and every year hereafter, publish, by insertion thereof in one newspaper, if any published in the Town of Cobourg, and by filing a copy thereof under the Seal of the Corporation and the hand of the Mayor or Chief Municipal Officer of the Town of Cobourg, in the office of the Clerk of the Peace for the County in which the said Town is situate, such a statement of the said Harbour, and the affairs thereof, as will enable a calculation to be made of the dividend payable according to this Act to any person or persons holding Stock in the said Harbour, and any person shall be entitled to examine such statement, or make a copy thereof, on paying to the said Clerk of the Peace a fee of One shilling and three pence; and the said Town Council shall, on and after such second Monday in January in each and every year, pay to the person or persons entitled thereto the dividend or dividends to which he or they may be so entitled, and in default of such payment such dividends may be sued for and recovered in like manner as other debts due by the said Corporation.

VII. And be it enacted, That the Stock held by individuals in the said Harbour under this Act, may be transferred to the said Town Council, or, from time to time, to any person or persons desirous of obtaining the same; Provided that such transfer, unless made to the said Town Council, shall not be binding or effectual until a memorandum of the same shall have been signed by the Transferer and Transferee, or their duly authorized Attornies, in such Book of the said Town Council as by the said Town Council may be provided or assigned for that purpose; Provided always, that it shall be lawful during one year from the passing of this Act, for any holder of Stock in the said Harbour, to tender the same to the said Municipal Corporation, without prejudice to the right of such Stockholder to receive his dividends as in the proviso to the second section mentioned, notwithstanding the sale of Stock as in this clause mentioned, and to require the said Corporation to purchase the same at the rate of Sixty-six pounds thirteen shillings and four pence for every One hundred pounds of the nominal amount of such shares, payable in debentures to be issued by the said Corporation in favor of such Shareholder, one third of the principal of such debentures being payable in five years, one third in ten years, and one third in fifteen years from the date of such tender, with interest from the said date, payable half yearly; and if the said Corporation shall refuse or neglect to purchase such Stock or to issue such debentures, such Stockholder shall have the like remedy against them in law or in equity as if they had contracted to purchase such Stock from him on the terms aforesaid.

VIII. And be it enacted, That this Act shall not in any way abridge or be construed to abridge the powers, which, independently of the special provisions herein contained, the said Town Council might or could, may or can, exercise over property within their control or jurisdiction, except when such powers may be inconsistent with this Act.

IX. And be it enacted, That this Act shall be a Public Act.