

meeting, and it shall and may be lawful for the Subscribers, at such meeting, to proceed to the election of new Directors for the said Company; and such election shall then and there be made by a majority of Shares voted for in manner hereinafter prescribed, and the Directors then and there elected shall be capable of serving until the first Monday in June succeeding.

Seven Directors to manage affairs, &c.

XIII. And be it enacted, That the affairs and concerns of the said Company shall be managed and conducted by seven Directors, who shall be Shareholders, each to the amount of five Shares, one of whom shall be chosen President, who shall hold their office for one year; and such Directors shall be elected on the first Monday in June in each and every year, at such time of the day and at such place as a majority of the Directors for the time being shall appoint, and public notice shall be given in the usual manner, of such time and place of meeting; and the said election shall be held and made by such of the Shareholders of the said Company as shall attend for that purpose, in their own proper person or by proxy; and all elections for Directors shall be by ballot, and the seven persons who shall have the greatest number of votes at any election, shall be Directors, and the majority of Directors shall elect the President. Each Shareholder shall be entitled to a number of Votes proportionable to the number of Shares he or she shall have held in his or her own name at least one month prior to the time of voting.

Votes.

Corporation not dissolved by failure to elect Directors.

XIV. And be it enacted, That in case it should happen that an election of Directors shall 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 that 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.

Directors to make rules for management of stock, &c.

XV. And be it enacted, That the Directors for the time being, or the majority of them, shall have power to make such By-laws and Regulations as to them shall appear proper, touching the management of the Stock, Estate and Effects of the said Corporation, and touching the duty and conduct of the Officers, Clerks and Servants employed by the said Company, 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.

Public Act.

XVI. And be it enacted, That this Act shall be taken and deemed to be a Public Act, and as such shall be judicially noticed by all Judges, Justices of the Peace, and other persons, without being specially pleaded.

C A P. C L.

An Act to amend the Sydenham Mountain Road Act, and to vest in George Rolph, Esquire, his heirs and assigns, certain privileges therewith connected.

[30th August, 1851.]

Preamble.

WHEREAS the inhabitants of the District of Gore have failed in taking advantage of the Act to establish the Sydenham Mountain Road; And whereas George Rolph, one of the former Petitioners to Parliament for the said Act, has made and macadamized the said Road, at his own expense, and completed the same at a cost of Two Thousand Six Hundred and Fifty Pounds; And whereas the fee simple of the land composing the said Road is his own private property; And whereas it is but just and right that the said George Rolph, having benefited the country by the expenditure of his capital and labor in making the said Road, should be secured in all the advantages set forth in the Act aforesaid; And whereas the Municipal Township Council of the Township of West Flamborough has passed a By-law recognising the payment of Tolls on the said Road, and to shut up the old Kill Horse Road, now useless to the public by the formation of the Sydenham Road, as by reference to the Act of the Municipal Council of the said Township,

Township, passed in January last, will more fully appear: 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 whole of the said Act passed in the Session held in the fourth and fifth years of Her Majesty's Reign, and intituled, *An Act to establish a Company by the name of the Sydenham Mountain Road Company*, is hereby repealed, excepting that portion which relates to the amount of Tolls to be demanded and taken, which Tolls are hereby vested in George Rolph, his heirs and assigns, for ever.

Act 4 & 5 Vict. c. 50,
repealed.

Exception.

II. And be it enacted, That the said George Rolph, his heirs and assigns, shall have full power and authority to demand, sue for, collect and recover the Tolls allowed by this Act, in the same manner as is pointed out by the Act passed in the twelfth year of Her Majesty's Reign, and intituled, *An Act to authorize the formation of Joint Stock Companies for the construction of Roads and other Works in Upper Canada*, and that all the provisions of the said last mentioned Act against parties evading or assisting others to evade Tolls, shall extend and apply to the Tolls authorized to be levied under this Act.

G. Rolph may recover
tolls.

12 Vict. c. 84.

III. And be it enacted, That whenever the Tolls shall in annual receipts exceed in amount a sum sufficient to defray the expenses of maintaining and repairing the said Road, and to afford an annual income to the said George Rolph, his heirs and assigns, of ten per cent. profit, on the Capital expended in the construction of the said Road from the commencement of its being travelled upon, then and in such case the said Tolls shall be reduced, so as not to exceed the ten per cent. profit to the said George Rolph, his heirs and assigns.

Tolls to be reduced
when the profits ex-
ceed a certain rate.

IV. And be it enacted, That the Government of this Province or the County Municipal Council, shall be at liberty, at any time whatever, to purchase the said Road from the said George Rolph, his heirs and assigns, paying to the said George Rolph, his heirs and assigns, the Capital hereinbefore mentioned, together with fifteen per cent. advance thereupon; and it is also hereby provided and declared that if any deficiency of the said ten per cent. annual profit should occur in the case of the said Road, such deficiency shall be chargeable against the increasing revenue of the subsequent years, so that the said George Rolph, his heirs and assigns, may fairly and actually receive ten per cent. profit on their said expenditure of Two Thousand Six Hundred and Fifty Pounds.

Government, &c.,
may purchase the
Road, and at what
rate.

V. And be it enacted, That after purchase by the Government of this Province, or by the Municipal Council of the United Counties of Wentworth and Halton, it shall and may be lawful for the Township Municipality of the Township of West Flamborough, or the Town Council of the Town of Dundas, to purchase from the Government, or the said County Municipality, the said Road, together with all Tolls, Rights and Advantages thereto belonging.

Town Council of
West Flamborough
or Dundas may pur-
chase the Road from
Government, or the
County Council.

VI. And be it enacted, That the said George Rolph, his heirs and assigns, shall annually, if required, exhibit an account to either branch of the Legislature of the Province, or to the Municipal County Council, of the Tolls collected and the amount thereof received, and of the sums expended in keeping the Road in repair; and also such accounts authenticated in such manner and form as the authority so requiring the same may deem satisfactory.

G. Rolph to exhibit
accounts, if required.

VII. And be it enacted, as it was found necessary to alter the original Survey of the Road, That the same shall commence and terminate agreeably to the last Survey made by Hugh McMahon, Esquire, Deputy Provincial Surveyor, that is to say: commencing on the centre of said Road at its junction with Melville Street, in the Town of Dundas; thence, north, eight degrees thirty minutes, east, twelve chains thirty-four links, to the lower bridge; thence, north, twenty degrees ten minutes, west, eight chains

Course and width of
Road.

chains seventy links, to the northern limits of the aforesaid Town of Dundas; thence, on the same course, north, twenty degrees ten minutes, west, three chains two links, to the Toll-Gate; thence, north, twenty-six degrees thirty minutes, west, seven chains seventy-five links; thence, north, eighty-seven degrees forty-five minutes, east, four chains; thence, north, fifty-eight degrees, east, five chains twenty-eight links; thence, north, thirty-eight degrees, thirty minutes, east, one chain fifty links; thence, north, sixty-three degrees, east, two chains forty-six links; thence, north, sixty-four degrees thirty minutes, east, eight chains sixty-four links; thence, north, fifty-two degrees, east, fifteen chains ninety-three links, to the top of the Mountain; thence, north, forty-seven degrees thirty minutes, east, two chains twelve links; thence, north, twenty-four degrees, east, five chains eighty links, to the old Road,—the breadth of the Road for the first thirty-one chains eighty-one links being forty feet; thence, for twenty-one chains eighty-one links, being sixty-six feet in width; thence, tapering to the top of the Mountain, where, on account of the great depth of rock cut through, it is only thirty feet in width, but from the top of the rock increases to forty feet in breadth, to the old Road, commencing secondly on Melville Street; thence, south, ten degrees west, eleven chains, more or less, to King Street, the breadth of this section as now established.

Recital.

VIII. And whereas it may be found necessary hereafter to enter upon the lands of persons adjoining the said Road, for the purpose of draining off the water which overflows, at certain seasons, the Sydenham Road, that the Road may be more effectually saved from injury, by the formation of a culvert or drain across the said lands into the old Kill Horse Road: Be it therefore enacted, That the Municipal Council of West Flamborough shall have power and authority to enter upon the said lands, and make and construct such culverts or drains as may be necessary to protect the said Sydenham Road, the said George Rolph, his heirs and assigns, paying to the said Council the expenses of making the same.

Town Council of
West Flamborough
may make culverts,
&c.

The Kill Horse Road
to be shut up in a
certain place, &c.

IX. And be it enacted, That the said Kill Horse Road referred to in the preamble of this Act, shall be shut up as far as the same passes through the property of the said George Rolph, from the top of the Mountain to the north-east corner of the land belonging to James Hare, of Dundas, and no further, and be enclosed by him so long as the said Sydenham Road is kept open to the public, upon due payment of Tolls allowed by this Act.

Public Act.

X. And be it enacted, That this Act shall be deemed and taken to be a Public Act.

CAP. CLI.

An Act to authorize the Grand River Navigation Company to raise, by way of Loan, a certain sum of money, and for other purposes therein mentioned.

[30th August, 1851.]

Preamble.

WHEREAS the Grand River Navigation Company have heretofore necessarily incurred a Debt of upwards of Twelve Thousand Five Hundred Pounds in completing the navigation to the Town of Brantford, and have issued Bonds or Debentures for the same, payable at different periods, with interest; And whereas the said Company are also otherwise indebted to upwards of Three Thousand Pounds; And whereas in view of the increased business which would be done on the said navigation in case the Lower Locks were enlarged to the same size as those nearest the Town of Brantford, and the Channel deepened to three feet and a half, the said Company are desirous, not only to provide for the payment of the present Debts, but also to enlarge the said Lower Locks and deepen the Channel; And whereas the expense of enlarging the said Locks and deepening the Channel as aforesaid is estimated to cost the sum of Nine Thousand Pounds: 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

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