

Laws of Her Majesty's Province of United Canada, passed in the year 1851. Quebec: Stewart Derbyshire and George Desbarts, 1852.

16 Victoria – Chapter 124

An Act to provide for the formation of Joint Stock Companies for the construction of Piers, Wharves, Dry Docks and Harbours. Assented to 23rd May, 1853.

Whereas it is expedient to provide for the construction of Piers and Wharves, for dredging and deepening Harbours, and constructing Docks to increase the safety of vessels and facilitate the operation of loading and unloading or repairing the same: 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 any number of persons not less than five, respectively, may form themselves into a Company for the purpose of constructing any Piers or Wharves, or for dredging or deepening or making any Harbour, or for the erection of Dry Docks and Marine Railways connected therewith, in Upper Canada; Provided that before any Company to be formed under the provisions of this Act, shall proceed with their work, it shall be necessary for them to obtain the consent of the Municipality within which such work is proposed to be made, which Municipality shall have the power to fix the limit and boundary of the proposed Harbour; Provided secondly, that no Company so formed shall have power to take any private property without the consent of the owner, or to take or interfere with any property belonging to the Crown, without the approval of the Governor in Council, nor shall any such Company obstruct any Harbour now in use, or interfere with any Company already chartered or Board of Commissioners incorporated for the construction of a Harbour.

II. And be it enacted, That when a Company shall have been formed under the provisions of this Act, and a sufficient amount of Stock shall have been taken, adequate in their judgment to complete the work, they shall execute an Instrument according to the Schedule to this Act annexed, and register such Instrument with the Registrar of the County in which such work shall be situated.

III. And be it enacted, That when the requirements contained in the preceding Section of this Act shall have been complied with, such Company shall henceforth become and be a chartered and incorporated Company, by such name as shall be designated in the Instrument so to be registered as aforesaid; and by such name, they and their successors, shall and may have perpetual succession, and shall be capable both at law and in equity of suing and being sued, of impleading and being impleaded, answering and being answered unto, defending and being defended, in all Courts of Law and Equity and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever, and they and their successors may have a common seal, and the same may make, alter and change at their will and pleasure; and that they and their successors, by their corporate name, shall be capable of purchasing, taking, having, holding and conveying, selling

and departing with, any lands, tenements and hereditaments whatsoever, which may be or have been thought to be useful and necessary for the purpose of such Corporation.

IV. And be it enacted, That the affairs, stock, property and concerns of every such Company which shall or may be formed under the provisions of this Act, shall for the first year be managed and conducted by five Directors, to be named in the Instrument so to be registered as aforesaid, and thereafter to be annually elected by the Stockholders, on the second Monday of December in each and every year, according to the provisions of a By-law to be passed by the Directors for that purpose; which By-law shall regulate the manner of voting, the place and hour of meeting for the election, the qualification of voters and of Candidates for the Direction, and any other matters, except the day of election, which the Directors may see to be necessary to carry out the provisions of this Section of this Act; which By-law shall be published in the newspaper, or one of the newspapers, published nearest the place where the Directors of the said Company shall usually meet for conducting the business of the Company, for three successive weeks; and the said Directors shall have full power to alter, change or amend the said By-law, whenever they shall see proper, they being always bound to publish the said amended By-law in the manner above provided, and any majority of such Directors shall be a quorum for the transaction of business; Provided, however, that if the annual Election of Directors for any such Company shall for any cause not take place regularly at the time appointed, such Company shall not thereby be dissolved, but the Directors thereof for the time being, shall, in that case, continue to serve until another election of Directors shall be held, and such other election shall in such case be held at such time within one month thereafter, as shall have been or shall be provided for by any By-law passed or to be passed by the Directors of such Company for that purpose.

V. And be it enacted, That each share in every such Company shall be Five Pounds, and shall be regarded as personal property, and shall be transferable upon the books of such Company, in such manner as shall be provided by any By-law to be made by the Directors in that behalf.

VI. And be it enacted, That any such Company so to be incorporated as aforesaid, may, in any Court having jurisdiction in matters of simple contract, to the amount demanded, sue for, recover or receive of or from any Stockholder in such Company, the amount of any call or calls of Stock which such Stockholder may neglect to pay, after public notice thereof for two weeks, in the newspaper, or one of the newspapers, published nearest the place where the Directors of the said Company usually meet for conducting the business of the said Company, or after a personal demand for payment shall have been made from such defaulting Stockholder by the Treasurer of such Company; and the oath of the said Treasurer shall be deemed sufficient proof of the said notice or of such demand, a copy whereof shall be filed in the office of the Clerk of the Court where the trial shall take place.

VII. And be it enacted, That it shall and may be lawful for the Directors of any such Company to elect one of their number to be the President, and to nominate and appoint such and so many officers and servants as they shall deem necessary for performing the duties required of them by the said Company; and in their discretion, to take security from them or any of them for the due

performance of his or their duty, and that he or they shall duly account for all moneys coming into his or their hands to the use of any such Company.

VIII. And be it enacted, That if any vacancy or vacancies shall at any time happen amongst the Directors of any of the said Companies during the current year of their appointment, by death, resignation or permanent residence without the County or Counties in which the work is situated, in respect of which such vacancy or vacancies shall occur, or by any other cause, such vacancy or vacancies shall be filled up for the remainder of the year in which they may so happen, by a person or persons to be nominated by a majority of the remaining Directors, unless otherwise provided by some By-law or Regulation of the Company in which such vacancy may occur.

IX. And be it enacted, That it shall be lawful for the President and Directors of such Company, to fix and regulate, from time to time, the tolls or wharfage to be received from all vessels entering such Harbour or lying at such Pier or Wharf, and for loading and unloading all goods, wares or merchandize in such Harbour, as to them shall seem meet; Provided they shall not in any case exceed the amount hereinafter specified; Provided also, that such Tolls, Rates or Dues shall be subject to the approval of the Governor of this Province.

X. And be it enacted, That it shall be lawful for any such Company or their Agent, Officers or Servants to detain any goods, wares or merchandize, or any vessel, boat or craft until the legal tolls or charges thereon shall be paid, and for charges for repairs of vessels or boats when such charges remain unpaid for the space of thirty days, such Companies, their Agent, Officers or Servants may sell or dispose of such vessel or boat to pay the said charges, and in cases where the charges for wharfage or storage dues on goods, wares or merchandize remain unpaid for the space of one year, such Companies, their Agents, Officers or Servants may sell such goods, wares or merchandize or such part thereof as may be necessary to pay such dues, by public: auction, giving ten days' notice of such sale, and returning the overplus if any, to the owner or owners thereof.

XI. And be it enacted, That it shall be lawful for any Municipal body corporate, having jurisdiction within the locality in which any such work as aforesaid is to be constructed, to subscribe for, acquire, accept and hold, and to depart with, and transfer Stock in any such Company, and from time to time to direct the Mayor, Reeve, Warden or other Chief Officer thereof, on behalf of such Municipality, to subscribe for such Stock in the name of such Municipality, and to act for and on behalf of such Municipality in all matters relative to such Stock and the exercise of the rights of such Municipality as a Stockholder, and the Mayor, Reeve, Warden or other Chief Officer shall, whether otherwise qualified or not., be deemed a Stockholder in the said Company, and may vote and act as such, subject always to such rules and orders in relation to his authority, as shall be made in that, behalf by such Municipality by their By-laws or otherwise, but. voting according to his discretion in cases not provided for by such Municipality; and it shall be lawful for such Municipality to pay for or to pay all instalments upon the Stock they shall subscribe for and acquire, out of any moneys belonging to such Municipality, and not specially appropriated to any other purpose, and to apply the moneys arising from the dividends or profits on the said stock or from the sale thereof, to any purpose to which unappropriated moneys belonging to such Municipality may lawfully be applied.

XII. And be it enacted, That it shall be lawful for any Company to be constituted under the authority of this Act, whenever they shall see fit, to sell to any Municipal authority representing the interest of the locality in which the work shall be situate, and for such Municipal authority to purchase the Stock of such Company at the value that, may be agreed on between the said Company and t he said Municipality, and to hold the same for the use and benefit of the said locality; and such Municipal authority shall, after such purchase, stand in the place and stead of the said Company, and shall possess all such powers and authority as the said Company shall have theretofore possessed and exercised; Provided always, that it shall be lawful for any Municipality making or desirous of making, any such purchase of any such work, to borrow money or raise the means of paying therefor by By-law to be passed under the provisions of the Act passed in the present Session, and intituled, *An Act to establish a Consolidated Municipal Loan Fund for Upper Canada*.

XIII. And be it enacted, That it shall be the duty of the Directors of every Company incorporated under this Act, to report annually, at some time in the month of January in each year, to the Municipality within which such work shall be situated, under the oath of the Treasurer of such Company, the state and nature of their work, the amount of all money expended, the amount of their Capital Stock, and how much paid in, the amount of dividends paid and the amount expended for repairs, mid the amount of debts due by such Company; and every such Company shall keep regular books of account, in which shall be entered a correct statement of the assets, receipts and disbursements of such Company, which shall be at all times open for the inspection of any person for that purpose appointed by the Municipality aforesaid.

XIV. And be it enacted, That the Directors of any such Company shall have power to increase the Capital Stock of such Company, when they shall find the Stock already subscribed insufficient to finish the contemplated Work.

XV. And be it enacted, That it shall be lawful for any Company formed under the authority of this Act, to borrow any sum of money on the security of such work, not exceeding one half the value thereof.

XVI. And be it enacted, That so soon as any such Pier, Wharf or Harbour shall be so far completed as to be capable of receiving and sheltering vessels, and of safely loading and unloading the same, such Company shall have power and authority to ask for, demand and receive, recover and take as toll or wharfage to and for their own use and benefit, on all goods, wares and merchandize shipped on board or landed out of any vessel, boat or other craft from or upon any such Pier or Wharf within the bounds of every such Harbour, not exceeding the following, that is to say:

	£	s.	d.
Pot or Pearl Ashes per barrel	0	0	4
Pork, Whiskey, Beef, Salt, Lard or Butter, "	0	0	3
Flour "	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 Horses each	0	0	4
Calves, Sheep or Swine "	0	0	1
Merchandise per ton	0	3	0
Sawed Lumber, per 1,000 feet board measure.	0	1	3
Square or round Timber . . . per 100 cubic feet.	0	0	9
Saw-logs	0	0	1½
Pipe Staves per M.,	0	2	0
West India Pipe Staves per M.,	0	0	6
Unenumerated Articles per ton	0	2	0
Boats of 12 tons or under each	0	1	0
" over 12 tons and not over 50 "	0	2	0
" over 50 tons "	0	3	0

XVII. And be it enacted, That after twenty-one years from the time of completing any such work as aforesaid, so that tolls are collected thereon, it shall and may be lawful for any Municipal authority representing the interests of the locality in which the work shall be situate, to purchase the Stock of such Company at the current value thereof at the time of purchase, and to hold the same for the use and benefit of the said locality; and such Municipal authority shall thenceforth stand in the place and stead of the said Company, and shall possess all such powers and authority as the said Company shall have theretofore possessed and exercised.

XVIII. And be it enacted, That notwithstanding the privileges that may be conferred by this Act, the Legislature may at any time hereafter, in their discretion, make any such additions to this Act, or such alterations of any of its provisions, as they may think proper, for affording just protection to the public, or to any person or persons, body corporate or politic, in respect to their estate or property, or right or interest therein, or any advantage, privilege or convenience connected therewith, or in respect to any right, public or private, that may be affected by any of the powers given to any such corporation.

Schedule.

Be it remembered, that on this _____ day of _____, in the year of our Lord one thousand eight hundred and _____, We, the undersigned Stockholders, met at _____, in the _____ County of _____, in the Province of Canada, and resolved to form ourselves into a Company, to be called (insert the name intended to be taken by the Company,) according to the provisions of a certain Act of the Parliament of this Province, intituled, An Act, &c., (insert the title of this Act,) for the purpose of constructing a Pier (or Piers,) Wharf (or Wharves,)

and making (or dredging) a Harbour (or constructing a Dry Dock, at (name of the place.) And we do hereby declare that the capital Stock of the said Company shall be _____ pounds, to be divided into _____ Shares, at the price or sum of Five Pounds each. And we, the undersigned Stockholders, do hereby agree to take and accept the number of Shares set by us opposite to our respective signatures; and we do hereby agree to pay the calls thereon, according to the provisions of the said in part recited Act, and of the Rules and Regulations, Resolutions and By-laws of the said Company to be made or passed in that behalf; and we do hereby nominate (the names to be here inserted,) to be the first Directors of the said Company.

Name.	Number of Shares.	Amount.