

No. 142.

1st Session, 6th Parliament, 21st Victoria, 1858.

(PRIVATE BILL.)

BILL.

An Act to incorporate the Marmora and
Belleville Railway Company.

Received and read, first time, Friday, 7th
May, 1858.

Second reading, Monday, 10th May, 1858.

MR. BENJAMIN.

TORONTO :
PRINTED BY JOHN LOVELL, YONGE STREET.

An Act to incorporate the Marmora and Belleville Railway Company.

WHEREAS certain persons have petitioned that an Act may be passed authorizing the construction of a Railway from the Marmora Iron Works, in the Township of Marmora, in the County of Hastings, to the shores of the Bay of Quinté, in the Town of Belleville, in the said County; And whereas such a Railway would greatly advance the interests not only of the County aforesaid, but of the country generally, by assisting to bring out and develop the mineral resources of the country, and render more available the lands opened for public settlement, in the rear of the said County of Hastings; Therefore Her Majesty, &c., enacts as follows:

Preamble.

I. Nathaniel Stephen Appleby, of Shannonville; Francis McAnnany, Henry Corby, George Benjamin, Lewis Wallbridge, Henry Gillespie, George Neilson, Benjamin Fairfield Davy, Philip Hambly, John Bell, Charles Levisconte, John O'Hare, Robert Read, James Brown, William Hope, all of the Town of Belleville; Solomon Johns and Lauchlin Hughes, of the Township of Marmora; David B. Johns, James Cook, and William Baker, of the Township of Rawdon; Alfred F. Wood, John R. Ketcheson, and William H. Tumblety, of the Township of Madoc; Abraham L. Bogert, and Felix Gabourie, of the Township of Hungerford; Daniel Thompson, of the Township of Elzevir; James Archibald, James Hagerty, and Philip Ketcheson, of the Township of Huntingdon, Caleb Gilbert and George Taylor, of the Township of Sydney; David Clapp, Delu Ham, and Alexander Wilson, of the Township of Thurlow; George Gordon, of the Village of Trenton; Alexander McLean, of the Township of Tyendinaga, all of the County of Hastings; and Archibald John Macdonnell, George Cumming, and John Flanigan, of the City of Kingston, in the County of Frontenac; together with such other person or persons, corporations and municipalities, as shall under the provisions of this Act become shareholders in the Company hereby incorporated, shall be and are hereby ordained, constituted and declared to be a body corporate and politic, by and under the name of the *Marmora and Belleville Railway Company*.

Certain persons incorporated.

Corporate name.

II. The several clauses of the Railway Clauses Consolidation Act, with respect to the first, second, third, and fourth clauses thereof, and also the several clauses of the said last mentioned Act with respect to "interpretation," "incorporation," "powers," "plans and surveys," "lands and their valuation," "highways and bridges," "fences," "tolls," "general meetings," "directors, their election and duties," "shares and their transfer," "municipalities," "shareholders," "actions for indemnity," and "fines and penalties and their prosecution," "working of the

Certain clauses of 14 and 15 V. c. 51, incorporated with this Act.

"railway," and "general provisions," shall be incorporated with this Act, and shall accordingly apply to the said Company and the said Railway, except only in so far as they may be inconsistent with the express enactments hereof; and the expression "this Act," when used herein, shall be understood to include the provisions of the Railway Clauses Consolidation Act, which are incorporated with this Act as aforesaid. 5

Line of the railway.

III. The Company hereby incorporated and their servants and agents, shall have full power to lay out and construct a Railway from the Marmora Iron Works, in the Township of Marmora, in the County of Hastings, to the shores of the Bay of Quinté, in the Town of Belleville, 10 in the County aforesaid, according to any line they shall select, as near as practicable to the line surveyed and laid down by Robert Lawder Innes, Esquire, civil engineer, with such deviation for the public accommodation as may be deemed advisable, with full power to pass over any portion of the county between the points aforesaid, and to carry the said 15 Railway through the Crown lands lying between the points aforesaid; and shall be entitled to charge fares and freight for passengers and goods carried by the said Company.

Deviation.

Tolls, &c.

Capital stock.

Shares.

Votes.

IV. The capital of the Company hereby incorporated shall be six hundred thousand dollars, (with power to increase the same in the manner pro- 20 vided by the Railway Clauses Consolidation Act,) which said capital shall be raised in twenty-four thousand shares of twenty-five dollars each, and every such share shall entitle the proprietor, on every occasion when the votes of the shareholders are given, to one vote for every such share.

Provisional Directors appointed.

V. From and after the passing of this Act, the said Nathaniel 25 Stephen Appleby, Robert Read, Charles Levisconte, James Brown, George Benjamin, George Neilson, Solomon Johns, John Bell, Lewis Wallbridge, John O'Hare, John R. Ketcheson, and Archibald John Macdonnell, shall be Provisional Directors of the said Company for carrying into effect the object and purposes of this Act. 30

Form of conveyances to the Company.

VII. Deeds and conveyances under this Act, for the lands to be conveyed to the said Company for the purposes of this Act, shall and may, as far as the title to the said lands or circumstances of the parties making said conveyance will admit, be made in the form given in the Schedule to this Act marked A, and the Registrar of the County of 35 Hastings is hereby required to register in his registry books such deeds, on the production thereof and proof of execution, without any memorial, and to minute every such entry on the deed, and the said Company shall pay the Registrar therefor *two shillings and sixpence*, and no more. 40

Filling vacancies among the provisional Directors.

VII. It shall and may be lawful for the Provisional Directors for the time being of the said Company, or a majority of them, to supply the place or places of any of their number from time to time dying or declining to act as such Provisional Director or Directors, out of the several subscribers for Stock in their said Railway, to the amount of 45 four hundred dollars each during the period of their continuance in office; and such Provisional Directors, except as hereinafter provided, shall be and they are hereby invested with all the powers, rights, privileges and indemnities, and they shall be and are hereby made subject unto the like restrictions as the elective Directors of the said 50

Their powers.

Company, upon their being elected by the stockholders of the said Company, as hereinafter provided, would under the provisions of the Railway Clauses Consolidation Act, and of this Act, become invested with or subject unto respectively.

5 VIII. When and so soon as shares to an amount equivalent to one hundred and fifty thousand dollars in the Capital Stock of the said Company shall be taken, and ten dollars per centum thereon shall have been paid into some one of the Chartered Banks of this Province, it shall and may be lawful for the Provisional Directors of the said
10 Company for the time being to call a meeting in the Town of Belleville, of the subscribers for Stock therein, and who have paid ten per centum thereon as aforesaid, for the purpose of electing Directors of the said Company: Provided always, that if the said Provisional Directors shall neglect or omit to call such meeting, then the same
15 may be called by any of the holders of shares in the said Company, holding among them not less than an amount equivalent to twenty-five thousand dollars; and of any meeting so called by the Provisional Directors, or by the Shareholders as aforesaid, public notice shall be given in at least two newspapers published in the Town of Belleville,
20 for one month immediately preceding the time of such meeting. And at such general meeting the Shareholders assembled, with such proxies as shall be present, shall choose nine persons to be Directors of the said Company, being each a proprietor of shares therein to an amount not less than one hundred and twenty-five pounds currency, and shall
25 also proceed to pass such rules and regulations and by-laws, as shall seem to them fit, provided they be not inconsistent with this Act.

First general meeting for the election of Directors.

Proviso: if the provisional Directors neglect to call it.

Notice.

Powers of such meetings.

IX. The Directors so appointed, or those appointed in their stead (at a meeting to be called for this purpose under the conditions aforesaid) in case of vacancy, shall remain in office for one year, or until
30 such time as shall be provided for by the by-laws, and the Stockholders shall, yearly, in like manner, at such time and place as shall be provided for by the by-laws, meet and elect Directors in the room of those whose period of office shall have expired, and generally to transact the business of the Company; but if at any time it
35 should appear to any ten or more of such Shareholders, holding together one thousand shares at least, that a special general meeting of the Shareholders is necessary to be held, it shall be lawful for such ten or more of them to cause fifteen days' notice at least to be given thereof, in such newspapers as are hereinbefore provided,
40 specifying in such notice the time and place and the reason and intention of such special meeting respectively, and the Shareholders are hereby authorized to meet pursuant to such notice and proceed to the execution of the powers by this Act given to them, with respect to the matter so specified only; and all such acts of the Shareholders
45 or the majority of them at such special meetings assembled (such majority not having, either as principal or proxies, less than five hundred shares) shall be as valid to all intents and purposes as if the same were done at annual meetings.

Period of service of Directors, and yearly general meetings.

Special general meetings.

Powers of such meetings.

X. It shall be lawful for the Directors of the said Company
50 for the time being, to make, execute and deliver all such scrip and share certificates, and all such bonds, debentures, mortgages, or other securities, as to the said Directors for the time being shall

Directors to issue scrip, bonds, &c.

from time to time seem most expedient for raising the necessary capital for the time being authorized to be raised by the said Company, or for raising any part thereof.

Bonds, &c., may be payable to bearer and transferable by delivery.

XI. All bonds, debentures and other securities to be executed by the said Railway Company may be payable to bearer, and all such bonds, debentures, or other securities of the said Company, and all dividends and interest warrants thereon respectively, which shall purport to be payable to bearer, shall be assignable at law by delivery, and may be sued on and enforced by the respective bearers and owners thereof for the time being in their own names. 5 10

Quorum of Directors.

XII. Any meetings of the Directors of the said Company at which not less than five of such Directors shall be present, shall be competent to exercise and use all and every of the powers hereby vested in the said Directors.

Calls.

Not to exceed a certain amount within a given time.

Proviso: ten per cent. may be paid on subscribing.

XIII. Calls may be made by the Directors of the said Company for the time being; Provided that no call to be made upon the subscribers for stock in the said Railway Company shall exceed the sum of ten dollars per centum upon the amount subscribed for by the respective shareholders in the said Company, and that the amount of any such calls in any one year shall not exceed fifty dollars per centum upon the stock so subscribed; Provided also, that upon the occasion of any person or Corporation becoming a subscriber for stock in the said Company, it shall and may be lawful for the Provisional and other Directors of the said Company for the time being to demand and receive to and for the use of the said Company, the sum of ten dollars per centum upon the amount so by such person or Corporation respectively subscribed, and the amount of such calls as shall have already been made payable in respect of the stock then already subscribed, at the time of such person or Corporation respectively subscribing for stock. 15 20 25

Recital.

Company may acquire gravel pits, &c.

XIV. And whereas it may be necessary for the said Company to possess gravel pits, and lands containing deposits of gravel, as well as lands for stations and other purposes at convenient places along the line of Railway, for constructing and keeping in repair and for carrying on the business of the said Railway, and as such gravel pits and deposits cannot at all times be procured without buying the whole lot of land whereon such deposits may be found; Therefore it shall be lawful for the said Company, and they are hereby authorized, from time to time, to purchase, have, hold, take, receive, use and enjoy, along the line of the said Railway or separated therefrom, and if separated therefrom, then with the necessary right of way thereto, any lands, tenements, and hereditaments which it shall please Her Majesty or any person or persons, or bodies politic, to give, grant, sell or convey unto, and to the use of, or in any trust for the said Company, their successors and assigns, and it shall and may be lawful for the said Company to establish stations or workshops on any of such lots or blocks of land, and from time to time, by deed of bargain and sale or otherwise, to grant, bargain, sell or convey any portions of such lands not necessary to be retained for gravel pits, siuings, branches, wood-yards, station grounds or workshops, or for effectually repairing, maintaining and using to the greatest advantage the said Railway, and other works connected therewith. 30 35 40 45 50

XV. The said Railway shall be commenced within two years and completed within five years after the passing of this Act, and unless commenced and completed within the said several periods, this Act shall be null and void. Commence-
ment and com-
pletion of the
Railway.

5 XVI. The Interpretation Act shall apply to this Act, and this Act shall be deemed a public Act. Public Act.

SCHEDULE A.

Know all men by these presents that I *(insert the name of the wife also, if she is to release her dower, or for any other reason to join in the conveyance)* do hereby in consideration of *paid to me (or as the case may be)* by the Marmora and Belleville Railway Company, the receipt whereof is hereby acknowledged, grant, bargain, sell, convey and confirm unto the said Marmora and Belleville Railway Company, their successors and assigns for ever, all that certain parcel or tract of land situate *(describe the land)*, the same having been selected and laid out by the said Company for the purpose of their Railway, to have and to hold the said land and premises together with everything appertaining thereto, unto the said the Marmora and Belleville Railway Company, their successors and assigns for ever, *(if there be dower to be released add)* and I, *(the name of the wife)*, hereby release my dower in the premises.

Witness my hand *(or our hands)* and seal *(or seals)* this day of one thousand eight hundred and

H. B. (L. S.)
C. D. (L. S.)

Signed sealed and delivered }
in the presence of }
E. F.