

No. 68.

2nd Session, 1st Parliament, 32 Victoria, 1869.

BILL.

An Act for the Incorporation of the
Elgin and St. Clair Railway Company.

PRIVATE BILL.

Mr. MORRISON (Niagara).

OTTAWA.
PRINTED BY HUNTER, ROSE & COMPANY.

An Act for the Incorporation of the Elgin and St. Clair Railway Company.

WHEREAS a line of Railway is being constructed in the States of Indiana, Illinois and Michigan, having a terminus on the River St. Clair, with the object of obtaining more direct communication than at present exists between the West and East: Preamble.

5 And whereas it is desirable to construct a Tunnel under, or a bridge over the River St. Clair, and a line of Railway in Canada to connect therewith:

And whereas the construction of a line of Railway from some point on the River St. Clair in the Township of Moore, to some
10 point in the County of Elgin, at or near the Town of St. Thomas, would effect that object and also tend greatly to the development of the resources of the Counties of Elgin, Middlesex, and Lambton:

And whereas Andrew Elliott and others have petitioned for an Act to incorporate a Company to construct such Tunnel or Bridge
15 and Railway:

And whereas the said Tunnel or Bridge and said line of Railway, as connecting the Western States with the Dominion of Canada, is a work of general advantage to Canada, and it is therefore expedient to grant the prayer of the said petition:

20 Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. For the construction of the said line of Railway, the following persons, viz: Andrew Elliott, J. E. Young, W. A. Thomson, A. McKellar, John E. Kitten, R. Eaton, S. Truesdale, Thos. W. Dobbie,
25 John H. Monroe, Shelton Sturgis, Nicol Kingsmill, together with such other persons as may become Shareholders in the Company, and hereby incorporated, are hereby ordained and declared to be a body corporate under the name of the Elgin and St. Clair Railway Company.

30 2. The Company and their agents and servants shall have full power and authority under this Act to extend, lay out, construct, make and finish a double or single track of Railway of iron or steel at their own costs and charges, of such width or gauge as the Company see fit, from a point on the River St. Clair in the Township of Moore, to some point in the County of Elgin, at or near the
35 Town of St. Thomas, with power to erect, construct, maintain, work and manage a Tunnel for Railway purposes under, or a Bridge over the River St. Clair, from the terminus of their Railway in the Township of Moore, to or near the Village of St. Clair, in
40 the State of Michigan.

3. It shall be lawful for the said Company to unite with any other Company incorporated or which may be incorporated by the laws of the United States, or any one or more of them, for the purpose of constructing or aiding in the construction of the said Tunnel or Bridge, or with any Railway Company similarly incorporated
45

or to be incorporated, which may join with the Company hereby incorporated for the purpose of constructing the said Tunnel or Bridge.

Capital for
Railway:—
and for bridge
or tunnel.

4. The capital stock of the said Company shall be for the purpose of building the said Railway, one million of dollars, divided into ten thousand shares of one hundred dollars each; and for the purpose of building the said Tunnel or Bridge, two millions of dollars, divided into twenty thousand shares of one hundred dollars each; and the subscription of stock in the said Company shall specify whether such subscription is for the purpose of the said Railway, or for the purposes of the said Tunnel or Bridge.

Provisional
Directors and
their powers.

5. The persons named in the first section, are constituted the Board of Provisional Directors of the said Company, and shall hold office as such until the first election of Directors under this Act, and shall have power and authority immediately after the passing of this Act, to open stock books, and procure subscriptions of stock for the undertaking; giving at least four weeks' previous notice by advertisement in the newspapers hereinafter mentioned, and in the "Ontario Gazette," of the time and place of their meeting to receive subscriptions of stock; and the said Provisional Directors may cause surveys and plans to be made and executed; and it shall be their duty, as hereinafter provided, to call a general meeting of shareholders for the election of Directors.

Ten per cent.
must be paid
on subscrib-
ing.

6. No subscription of stock in the capital of the said Company shall be legal or valid unless ten per centum shall have been actually and *bona fide* paid thereon within five days after subscription into one or more of the Chartered Banks of the Province of Ontario to be designated by the said Directors; and such ten per centum shall not be withdrawn from such Bank, or otherwise applied, except for the purposes of such Railway, or Bridge, or Tunnel, or upon the dissolution of the Company from any cause whatever; and the said Directors, or a majority may in their discretion exclude any persons from so subscribing, who in their judgment would hinder, delay, or prevent the said Company from proceeding or completing their undertaking under the provisions of this Act; and if more than the whole stock shall have been subscribed, the said Provisional Directors shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking; and in each allocation the said Directors may in their discretion exclude any one or more of the said subscribers, if in their judgment this will best secure the building of the said Railway Tunnel or Bridge.

Directors may
exclude un-
pleasant sub-
scribers, in
allocating
stock.

7. So soon as five hundred thousand dollars of the said capital stock for the purposes of the Railway shall have been subscribed, and ten per centum *bona fide* paid thereon, and deposited in one or more of the Chartered Banks of the Province of Ontario for the purposes of the Company, the hereinbefore mentioned Directors, or a majority of them, shall call a meeting of the shareholders of the said Company, at such time and place as they may think proper, giving at least two weeks' notice in one or more newspapers published in the Counties of Elgin, Middlesex and Lambton, and in the Canada and Ontario Gazettes respectively, at which meeting the shareholders shall elect nine Directors from the shareholders possessing the qualifications hereinafter mentioned, which Directors shall hold office until the next annual general meeting of the shareholders as hereinafter provided.

First general
meeting for
election of
directors.

8. The annual general meeting of the shareholders for the election of Directors and other general purposes shall be held at the Town of St. Thomas, or elsewhere within the Province of Ontario, as may be appointed by by-law, on the first Wednesday in the month of 5 June of each year, and two weeks' previous notice thereof shall be given by publication in newspapers, as provided in the last preceding clause. Annual general meeting
Notice.

9. No person shall be elected a Director of the said Company, unless he shall be the holder and owner of at least ten shares in the stock of the said Company, and shall have paid up all calls made thereon. Qualification of Directors.

10. No call to be made at any time upon the said capital stock, shall exceed ten per centum of the said capital. Calls.

11. Whenever it shall be deemed expedient by the Board of Directors that a special general meeting of the shareholders shall be convened, the same may be done by advertisement to be published in the manner last hereinbefore mentioned, and by circulars addressed by post to each shareholder at his last known or usual place of address, not less than two weeks previous thereto; and the special object of the said meeting shall be distinctly set forth in such advertisement and circular. Special general meetings.

12. All deeds and conveyances for land required by the said Company may be in the form given in Schedule annexed, and all Registrars are required to register the same, on the production of a duplicate thereof, with an affidavit of due execution, and for so doing the Company shall pay to the said Registrar, the fee of two shillings and six pence, and no more. Form of conveyance to Company.

13. The Elgin and St. Clair Railway, when constructed and ready to be operated, may be leased to the Erie and Niagara Extension Railway Company, for such time and on such terms as may be acceptable to a majority of the shareholders, to be ascertained by vote at a special shareholders' meeting called for the special purpose. Railway may be leased to a certain company.

14. The said Bridge or Tunnel shall be constructed so as not materially to obstruct the navigation of the St. Clair River, and the said Bridge, if constructed, shall have one or more draws of ample width to give free and unobstructed passage to all steamboats and other vessels navigating the said river; the said draws shall be at all times tended and moved at the expense of the said Company, so as not to hinder unnecessarily the passage of any steamboats or vessels. From sundown until sunrise during the season of navigation, suitable lights shall be maintained upon the said Bridge to guide vessels and steamboats approaching the draws; and the said Company shall be liable to pay the owners of any steamboat or vessel, or of the cargoes thereof, all damages which they may sustain by reason of any neglect of the provisions of this section. Tunnel or bridge, how to be constructed.

15. The Company shall have full power under this Act, to purchase and construct and hold as part of the property of the said Company, one or more steamers or ferry-boats, and to work and use the same in conveying or ferrying their freight and passengers across the River St. Clair, pending the construction of the said Bridge or Tunnel. Power to hold and work ferry-boats.

Municipalities may assist the Company.

16. It shall be lawful for any municipality or municipalities through any part of which or near which the Railway, Tunnel or Bridge, or works of the said Company shall pass or be situated to aid and assist the said Company by loaning or guaranteeing or giving money by way of bonus or other means, to the Company, or by issuing Municipal Bonds to or in aid of the Company, and otherwise, in such manner and to such extent as such municipalities or any of them, shall think expedient. 5

Proviso.

Provided always that no such aid, loan, bonus or guarantee shall be given, except after the passing of by-laws for the purpose, and the adoption of such by-laws by the rate-payers, as provided in "the Railway Act of 1868." 10

Limitation of time for paying stock and beginning and completing works.

17. Five hundred thousand dollars at least of the said capital stock for the purpose of the said Railway shall be subscribed, and the said deposit in cash for ten per centum shall be made, and the said line of Railway *bona fide* commenced within two years from the passing of this Act; and the said line of Railway shall be completed within five years from the passing of this Act. 15

The same.

And five hundred thousand dollars of the said capital stock for the purposes of the said Tunnel or Bridge shall be subscribed, and a deposit of ten per centum paid thereon, and the said Tunnel or Bridge *bona fide* commenced within five years from the passing of this Act, and the said Tunnel or Bridge shall be completed within ten years from the passing of this Act. 20

Short Title.

18. This Act may be cited as the Elgin and St. Clair Railway Act. 25

SCHEDULE.

Know all men by these presents, that I
of _____ do hereby in consideration of _____
paid to me by the Elgin and St. Clair Railway Company, (the receipt whereof I do hereby acknowledge) do grant and confirm to the said Company, its successors and assigns, for ever, all that certain Parcel of Land situate _____ the wife
for the purpose of their Railway. And I _____ do hereby release my dower on
of the said _____ hand and seal this
the said Lands. As witness _____ this
day of _____ one thousand eight hundred and sixty

Signed, sealed and delivered,
in the presence of