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No. 262.

(PRIVATE BILL.)

1st Session, 4th Parliament, 16 Victoria, 1853.

BILL.

**An Act to incorporate The Brockville
and Ottawa Railway Company.**

Received and read a first time, Wednesday, 2nd
March, 1853.

Second reading, Monday, 7th March, 1853.

MR. CRAWFORD.

QUEBEC:

PRINTED BY JOHN LOVELL, MOUNTAIN STREET.

An Act to incorporate the Brockville and Ottawa Railway Company.

WHEREAS it is highly desirable that a Railway should be made from the Saint Lawrence at Brockville to the Ottawa at Pembroke, by the way of the mouth of the Madawaska River, and the persons hereinafter in this clause mentioned and others have petitioned that a Company be incorporated for that purpose ; Be it therefore enacted, &c.,

Preamble.

That John Crawford, Charles Edward Jones, Fordyce Lawton Lathrop, Robert Fitzsimmons, the younger, George Sherwood, Allan Turner, Robert Edmonson, William Fitzsimmons, Robert Peden, David B. Ogden Ford, James L. Schofield, Ormond Jones, Reuben Powers Colton, William Matthie, John Ross the younger, George Morton, Albert R. Richards, Adiel Sherwood, John Kilborn, Alfred Poulton, Paul Glasford, William Henry Wilson, William Buell and Richard F. Steele, together with such other persons or Corporations as shall under the provisions of this Act become Shareholders in the Joint Stock Company hereby created for the construction of the Railway aforesaid, shall be and are hereby ordained, constituted and declared to be a body corporate and politic in fact, by and under the name and style of "The Brockville and Ottawa Railway."

Certain persons incorporated.

II. And be it enacted, That the "Railway Clauses Consolidation Act" shall be incorporated with this Act.

Railway Clauses Consolidation Act incorporated herewith.

III. And be it enacted, That the said Company and their servants and agents shall have full power under this Act to lay out, construct, make and finish a double or single iron Railroad or way, at their own cost and charges, on or over all or any of the following sections, that is to say: on and over any part of the Country from the Saint Lawrence at Brockville to the Rideau, at or near Smith's Falls, and thence on and over any part of the Country to or near Amprior at or near the mouth of the Madawaska River, and thence on and over any part of the Country to the Ottawa River, at or near the Village of Pembroke, in the Township of Pembroke; also, a branch thereof from the Rideau at or near Smith's Falls aforesaid to the Town of Perth, if the said Company shall deem it advisable to construct the same.

Company may construct Railway.

IV. And be it enacted, That all deeds and conveyances of lands to the said Company for the purposes of this Act shall and may as far as the title and circumstances will admit be in the form given in the Schedule to this Act, marked A, or to that effect, and for the purpose of registering the same, all Registers in their respective Counties are hereby required to procure a book with copies of the form given in the said Schedule A, one to be printed on each page leaving the necessary blanks

Conveyances of lands to be in form of Schedule A.

to suit the separate cases of conveyance, and in the said book to enter and register each such deed and conveyance upon production thereof, and payment of the fee hereinafter mentioned, and proof of execution in like manner *mutatis mutandis*, as is now made under the general registry laws in force in Upper Canada, without any memorial. And the Register shall thereupon minute such entry and registry upon the said deed, which minute shall have all the effect of a certificate of registry under the general registry laws of Upper Canada, which said enregistering shall be valid and effectual for all the purposes of any Act or Acts now in force in Upper Canada for the registry of deeds, in like manner as if made according to the provisions of the same; and for such entry, registry and minute thereof as aforesaid the said Register shall be entitled to demand and receive from the said Company the sum of two shillings and six pence and no more.

Capital Stock
£500,000.

V. And be it enacted, That the Capital Stock of the said Company shall not exceed in the whole the sum of five hundred thousand pounds, to be divided into one hundred thousand Shares of five pounds each, which amount shall be raised by the persons above named, or some of them, together with such other persons and Corporations as may become Shareholders in such Stock, and the said money so raised shall be applied in the first place towards the payment and discharge of all fees, expenses and disbursements for procuring the passage of this Act, and for making the surveys, plans and estimates connected with the Railway, and all the rest and remainder of such money shall be applied towards making, completing and maintaining the said Railway and other purposes of this Act and to no other purpose whatever; Provided always that until the said preliminary expenses connected with the said Railway shall be paid out of the Capital Stock thereof, it shall be lawful for any Municipality interested in the said Road to pay out of the general funds of such Municipality its fair proportion of such preliminary expenses, which sum shall be refunded to such Municipality from the Stock of said Company or be allowed to them in payment of Stock.

Proviso.

First Directors named.

VI. And be it enacted, That George Crawford, William Matthie, David B. Ogden Ford, George Sherwood, James Shaw, Robert Bell, Robert M. Watson, Andrew Dickson, James L. Schofield, Charles E. Jones, Reuben P. Colton and Albert N. Richards shall be and are hereby constituted and appointed the first Directors of the said Company, and shall hold their office until others shall under the provisions of this Act be elected by the Shareholders, and shall until that time constitute the Board of Directors of the said Company, with power to open Stock Books and make a call on the Shares subscribed in such books, and call a meeting of Shareholders for the election of Directors in manner hereinafter provided

Directors to open Stock Books.

VII. And be it enacted, That the said Directors are hereby empowered to take all necessary measures for opening the Stock Books for the subscription of parties desirous to become Shareholders in the said Company, and to determine and allot to parties subscribing for Stock in the said Company the number of Shares (if any) that parties so subscribing may have and hold in the Capital Stock aforesaid; Provided always that no subscription in the said Stock Books shall create the party or parties so subscribing a partner or partners in the said Company, without and until the authorization thereof by the Directors of the Company for the time being; Provided also that no such approval or authorization as aforesaid

Proviso.

Proviso.

shall be required to confirm the subscriptions of Municipalities or other corporate bodies empowered by law to take Stock in Railway Companies.

VIII. And be it enacted, That the said Directors shall cause an entry to be made in the records of their proceedings and in the Shareholders' Book of the Stock so allotted and assigned to parties subscribing as aforesaid, and the Secretary of the said Company shall notify the respective parties in writing of such allocation and assignment.

Entry of Stock assigned to be made in Shareholders' Book.

IX. And be it enacted, That upon such entries being made the rights and liabilities of such Shareholder or Shareholders in said Company shall commence and accrue.

Rights, &c. of Shareholders to commence from entry.

X. And be it enacted, That when and so soon as one fifth of the said Capital Stock shall have been subscribed, allotted and authorized as aforesaid, it shall be lawful for the said Directors or a majority of them, to call a meeting of the holders of such Shares at such place and time as they shall think proper, giving at least fifteen days public notice of the same in one or more Newspapers published in Brockville and in the United Counties of Lanark and Renfrew, at which said General Meeting and at the Annual General Meeting in the following Sections mentioned, the Shareholders present, either in person or by proxy, shall elect twelve Directors in the manner and qualified as hereinafter provided, of whom six shall be chosen by Municipalities being Shareholders according to the scale of votes hereinafter mentioned, and six by private Shareholders, which said twelve Directors shall constitute a Board of Directors, and hold office until the first Monday in February, in the year following their appointment.

Meeting of Shareholders to be called after 1-5th of Stock subscribed.

XI. And be it enacted, That on the said first Monday in February, and on the first Monday in February in each year thereafter, at the office of the said Company, at Brockville, there shall be holden an Annual General Meeting of the Shareholders of the said Company, at which and by whom shall be chosen and elected by the Municipalities and private Shareholders in the respective proportions hereinbefore provided, twelve Directors for the ensuing year in manner and qualified as hereinafter provided, and public notice of such Annual General Meeting and Election shall be published one month before the day of Election in the *Canada Gazette*, and also once fifteen days before the Election in one Newspaper in each Town or Village upon the line of said Road, in which a Newspaper shall be published; and all elections for Directors shall be by ballot, and the persons who shall have the greatest number of votes at any election shall be Directors, and if it shall happen that two or more shall have an equal number of votes, the Shareholders shall determine the election by another or other votes until a choice is made; and that the said twelve Directors shall, together with the *ex officio* Directors, under the "Railway Clauses Consolidation Act," form the Board of Directors.

Annual General Meetings.

XII. And be it enacted, That seven Directors shall form a *Quorum* for the transaction of business: Provided, that the Directors may employ one or more of their number as paid Director or Directors.

Quorum of Directors.

XIII. And be it enacted, That the persons qualified to be elected Directors of the said Company under this Act shall be any Shareholder holding Stock to the amount of one hundred pounds, and who shall have paid up all calls on such Stock.

Their qualification.

Stock sub-
scribed by Mu-
nicipalities,
by whom
represented.

XIV. And be it enacted, That the Stock to be subscribed for by Municipalities shall be represented by the heads thereof respectively, or such other persons as may be duly authorized, from time to time, for the occasion and purpose, under the seals respectively of such Municipalities, and that such head or person authorized as aforesaid shall, at the election of the six Directors to be chosen by the Municipalities as aforesaid, be entitled to vote in respect of the Stock subscribed for by such respective Municipalities, in the proportion following: that is to say, one vote for every fifty Shares subscribed for by such Municipality: Provided always, that upon every occasion other than the Election of Directors, the head of or persons duly authorized by such Municipality respectively as aforesaid, shall be entitled to the number of votes proportioned to the number of Shares held by such Municipalities respectively, according to the scale in the next Section provided.

Proviso.

Proportion of
votes to
Shares.

XV. And be it enacted, That each Shareholder shall be entitled to the number of votes up to two hundred, in proportion to the number of Shares which he shall have in his name two weeks prior to the time of voting, and at the rate of one vote for every five Shares over two hundred Shares: Provided that no one Shareholder as aforesaid shall have more than five hundred votes, and that Municipalities shall have two hundred votes for every five thousand pounds Stock they shall subscribe and at that rate for any less amount: Provided also, that no Municipality shall vote or be entitled to vote at any election of the six Directors to be chosen by the private Shareholders: And provided further, that no party or parties shall be entitled to vote at the meetings of Shareholders who shall not have paid up all the calls due upon his, her or their Stock, or the Stock upon which such party claims to vote, at least eighteen hours before the hour appointed for any such meeting.

Proviso.

Calling of
instalments.

XVI. And be it enacted, That it shall and may be lawful for the Directors at any time to call upon the Shareholders for such instalments upon each Share by them holden respectively in the Capital Stock of the said Company, in such proportions as they may see fit, so as no such instalment shall exceed ten per cent., giving at least thirty days notice of each call in such manner as they shall appoint.

Sub-sect. 3 of
sect. 18 Rail-
way Clauses
Act not to be
incorporated
herewith.

XVII. And be it enacted, That subsection three of Section eighteen of the "Railway Clauses Consolidation Act" shall not be incorporated with this Act.

Company may
become parties
to Promissory
Notes.

XVIII. And be it enacted, That the said Company shall have power to become parties to Promissory Notes and Bills of Exchange, for sums not less than twenty-five pounds, and any such Promissory Note made or indorsed or any such Bill of Exchange drawn, accepted or indorsed by the President of the Company or Vice President, and countersigned by the Secretary and Treasurer, and under the authority of a majority of a *Quorum* of the Directors, is and shall be binding upon the said Company: And every such Promissory Note or Bill of Exchange so made, drawn, accepted or indorsed by the President or Vice President of the said Company, and countersigned by the Secretary and Treasurer as such, shall be presumed to have been properly made, drawn, accepted or indorsed, as the case may be, for the Company until the contrary be shewn; and in no case shall it be necessary to have the seal of the Company affixed to any such Bill of Exchange or Promissory Note, nor shall

the President, Vice President or the Secretary and Treasurer of the said Company so making, drawing, accepting or indorsing any such Bill of Exchange or Promissory Note be thereby subjected individually to any liability whatever: Provided always, that nothing in this Clause shall be construed to authorize the said Company to issue any Note or Bill payable to bearer, or any Promissory Note or Bill of Exchange intended to be circulated as money or as the Notes or Bills of a Bank. Proviso.

XIX. And be it enacted, That it shall and may be lawful for the said Company to take and appropriate for the use of the said Railway, but not to alienate so much of the wild land of the Crown not theretofore granted or sold, lying on the route of the said Railway, as may be necessary for the said Road; as also so much of the land covered with the waters of any river, stream, lake or canal, or of their respective beds, as may be found necessary for the making and completing or more conveniently using the same, and thereon to erect such wharves, quays, inclined planes, bridges, cranes and other works as to the Company shall seem meet: Provided always, that it shall not be lawful for the said Company to cause any obstruction in or to impede the free navigation of any river, stream or canal to or across which their Railway shall be carried; and if the said Railway shall be carried across any navigable river or canal, the said Company shall have such openings between the piers of their bridge or viaduct over the same, and shall construct such draw-bridge or swing-bridge, if any such bridge be necessary, over the channel of the river or canal, and shall be subject to such regulations, with regard to the opening of such draw-bridge or swing-bridge, if any such be constructed, for the passage of vessels and rafts, as the Governor in Council shall direct and make from time to time; nor shall it be lawful for the said Company to construct any wharf, bridge, pier or other work upon the public beach or bed of any navigable river or stream, or upon the lands covered with the waters thereof, until they shall have submitted the plan of such work to the Governor in Council, nor until the same shall have been approved by him in Council as aforesaid. Company may take wild land on route of Railway.

Proviso.

XX. And whereas the small island in the St. Lawrence in front of and within the limits of Brockville, and commonly called Block House Island, is nearly useless for defensive purposes, but much to the advantage and convenience of the said Town and Harbor thereof, might be made available for Railway purposes by connecting the island with the main shore; Be it therefore enacted, That it shall and may be lawful for the said Company to take and appropriate the said island for the use of the said Railway, but not to alienate, and also so much of the land covered by the waters of the St. Lawrence lying between said island and the main shore, within the limits of Brockville, as they may require or deem necessary for the making and completing a suitable depôt, harbor and wharves for the said Railway at its Brockville Terminus, by connecting the said island with the main shore aforesaid, and filling up the space intervening between the said island and the shore aforesaid and within the connecting wharves or piers. Company may take Block House Island for use of Railway.

XXI. And be it enacted, That by and with the leave of the Town Council of Brockville for that purpose just had and obtained, it shall and may be lawful for the said Company to take and appropriate for the use of the said Railway as part of or in connection with its water depôt on the St. Lawrence, so much of the market square in the centre of the said Town of Brockville as lies between Water Street and the St. Lawrence. And part of the Market Square of Brockville.

Recital.

XXII. And whereas the speedy completion of the entire line of said intended Railway from the St. Lawrence to the Ottawa at Pembroke, would greatly facilitate and increase the trade of the Ottawa, develop the resources of the Country bordering thereon, open up for profitable settlement vast tracts of the unsurveyed lands of the Crown, and promote the best interests of this Province; And whereas the grant of a portion of the unsurveyed lands of the Crown above Pembroke would greatly assist the said Company in building the section of the said road running from the Madawaska to Pembroke; Be it therefore enacted, That for the purpose of aiding and assisting the said Company in the construction of the said Railway from the Madawaska to Pembroke, the Governor General in Council is hereby authorized and required, so soon as may be after the passing of this Act, to set apart at least eight hundred thousand acres of the ungranted lands of the Crown, either in the Townships through or near which the said Railway will pass, or out of the unsurveyed lands lying south of the Ottawa; And that the lands, so set apart, shall belong to the said Company from the time they shall have been so set apart, and that it shall and may be lawful for the said Company, from time to time, to sell and dispose of such parts thereof as they may require towards defraying the expenses of building and keeping in operation the said Railway, and that the purchaser or purchasers of any lot or lots, so sold, upon producing to the Governor in Council, the conveyance in fee of the same from the said Company, shall be entitled to demand and receive a Patent or Patents for the same upon payment of the usual fee, and that in like manner the said Company may, at any time, demand and receive from the Governor General in Council a Patent or Patents for the whole or any portion of the lands so set apart, upon payment of the usual fee; Provided always, that the land so set apart shall be known and designated as the Brockville and Ottawa Railways lots, and shall not having been so set apart as aforesaid, and returned and notified as hereinafter required, be at any time thereafter sold or granted to any person or body, except the said Company or their assignees as aforesaid; Provided also, that immediately upon the said lands being so set apart as aforesaid, it shall be the duty of the Commissioner of Crown Lands or other proper officer to furnish the said Company with a schedule or list of the same accompanied by maps when necessary, or other information sufficient to apprise them with certainty of the lots so set apart and their situation.

Governor General may set apart 800,000 acres of ungranted lands of the Crown for use of Company.

Proviso.

Proviso.

Shareholders entitled to equal rights, whether British subjects or aliens.

Simple execution of a conveyance by a married woman, to operate as a Bar of Dower.

Public Act.

XXIII. And be it enacted, That any Shareholder in the said Company, whether a British subject or alien, or a resident in Canada or elsewhere, has, and shall have equal rights to hold Stock in the said Company, to vote on the same and to be eligible to office in the said Company.

XXIV. And be it enacted, That the simple execution of any conveyance under this Act by any married woman, with her husband, shall operate as a Bar of Dower in the lands thereby conveyed, and a conveyance of her title therein if the same be owned by her without any other ceremony or formality whatever.

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

SCHEDULE A.

Form of Conveyance.

Know all men by these presents that I, A B of *(and here*
name the wife of any (in consideration of *(name the sum)* paid to me
 by the Brockville and Ottawa Railway Company, the receipt whereof is
 hereby acknowledged, do hereby grant unto the Brockville and Ottawa
 Railway Company and their Assigns for ever, all that certain piece of
 land situate *(describe the land)* the same having been selected and laid
 out by the said Company for the purposes of their Road.

Witness Hand and Seal this day of A. D., 18 .

Signed, sealed and delivered in presence of