

No. 83.

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

(PRIVATE BILL.)

BILL.

An Act to incorporate a Company for the construction of a Railway between the Niagara and Detroit Rivers, and for other purposes therewith connected.

Received and read, first time, Friday, 23rd
April, 1858.

Second reading, Monday, 26th April, 1858.

MR. FOLEY.

TORONTO :

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An Act to incorporate the Niagara and Detroit Rivers Railway Company.

WHEREAS many persons have, from time to time, petitioned that
an Act may be passed authorizing the construction of a direct
line of railway from the Niagara River, in the County of Welland; to
the Detroit River, in the County of Essex, passing through the Coun-
ties bordering on Lake Erie, lying between the said rivers: And whereas
a railway so constructed is much required, and would greatly tend to
the improvement of the section of country through which it would pass
as well as to the promotion and increase of trade and commerce between
the American States and this Province: Therefore Her Majesty, &c.,
enacts as follows:

I. The Honorable John Prince, the Hon. W. H. Merritt, the Hon. James Wadsworth, the Hon. Isaac V. Vanderpoel, the Hon. F. P. Stevens, Leonidas Burwell, M. P., Archibald McKellar, M. P., Walker Powell, M. P., Michael Hamilton Foley, M. P., W. L. McKenzie, M. P.,
15 Gilbert McMicken, M. P., John Simpson, M. P., John White, M. P., Donald A. McDonald, M. P., J. Sheridan Hogan, M. P., David Christie, M. P., Otis F. Presbrey, Milton Courtwright, John Ross, John Brown, John F. Barnard, James Benson, Henry Martin, George Southwick,
20 T. D. Barton, Levi Fowler, Thomas Hodge, E. R. McReady, Jessie Kipp, Henry A. Gustin, Peter Clayton, J. H. Jones, James A. Lyons, Oliver Blake, James Salmon, Charles Kahn, William Lyons, Thomas W. Walsh, Acquilla Walsh, Duncan McCall, Roger Crysler, Luke Cook, Duncan Campbell, William Fitch, William Cook, L. J. Wetherby, John Oldfield, John Jarron, George Bender, John Radcliffe, William B. Hen-
25 dershot, John Schofield, Robert Hobson, John Frazer, Richard Kirkpatrick, James Cummings, Samuel Clarke, Robert McIlroy, Milton Davis and A. P. MacDonell, together with such other persons, corporations and municipalities as shall under the provisions of this Act become shareholders in the company hereby incorporated, shall be and are
30 hereby ordained, constituted and declared to be a body corporate and politic by and under the name of "The Niagara and Detroit Rivers Railway Company."

Preamble.

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
35 also the several clauses of the said Act with respect to "Interpretation," "Incorporation," "Powers," "Plans and Surveys," "Lands and their valuations," "Highways and Bridges," "Fences," "Tolls," "General Meetings," "Directors, their Election and Duties," "Shares and their Transfer," "Municipalities," "Shareholders," "Actions, Indemnity and

Certain clauses of 14, 15 V. cap. 51.

Fines, and Penalties and their prosecution," "Working of the Railway" and "General Provisions," shall be incorporated with this Act and shall accordingly apply to the said Company and the said Railway, except in so far as may be inconsistent with the express enactments hereof, and the expressions, "this Act," when used herein, shall be understood to include the said mentioned provisions of the Railway Clauses Consolidation Act incorporated with this Act as aforesaid. 5

Line of Railway defined.

III. The said Company, and their servants and agents, shall have full power under this Act to lay out, construct, and complete a line of Railway from some point at or near the Suspension Bridge in the County of Welland, and from some point at or near the Village of Waterloo, in the same County, to some point at or near the Town of Amherstburgh, in the County of Essex, and to some point at or near the Town of Windsor or Sandwich, in the same County last mentioned. 10 15

Form of Deeds under this Act.

IV. Deeds and Conveyances for the lands to be conveyed to the said Company under this Act, may be in the form given in the schedule marked "A" hereunto annexed, and all Registrars are hereby required to record in their Registry Books such deeds on the production thereof and proof of execution without any memorial, and to minute every such entry on the deed, the sum of half a dollar being first paid to the Registrar by the party requiring the same to be recorded. 20

Provisional Directors named.

V. The following mentioned persons, namely, The Hon. John Prince, The Hon. James Wadsworth, Gilbert McMicken, Esq., M. P., Milton Courtwright, The Hon. Isaac V. Vanderpoel, Otis F. Presbrey, John White, Esq., M. P., Leonidas Burwell, Esq., M. P., M. H. Foley, Esq., M. P., William Fitch, John Oldfield, Walker Powell, Esq., M. P., David Christie, Esq., M. P., Donald A. Macdonald, Esq., M. P., John Brown and John Ross, shall be the provisional Directors of the said Company for carrying into effect the object and purposes of this Act. 25 30

Vacancies among them, how filled.

VI. 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 the said Railway to the amount of at least 35

Their powers.

dollars each during the period of their continuance in office; and such provisional Directors, except as hereinafter is excepted, shall be and they are hereby invested with all the powers, rights, privileges, and indemnities, and they shall be and they are hereby made subject unto the like restrictions as the elected Directors of the said 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. 40 45

First general meeting when and where to be held:

VII. When and so soon as shares to an amount equivalent to dollars in the capital stock of the said Company shall be taken, and 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 Com- 50

pany for the time being to call a meeting at the Town of
of the subscribers for stock in the said Company, and who have paid
per centum thereon as aforesaid, for the purpose of electing
Directors of the said Company; Provided always, that if the said
5 provisional Directors shall neglect or omit to call such meeting, then the
same may be called by any two of the holders of shares in the said Com-
pany, holding among them not less than an amount equivalent to
dollars; And provided always that in either case public
10 notice of the time and place of holding such Meeting shall be given
during one month, in some one newspaper published in the Town of
, and also in some one newspaper published in
each of the Counties through which the said Railway shall pass or be
intended to pass, or in such of the said Counties as shall have a news-
paper published therein respectively, and at such general meeting the
15 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 in the said Company, to an amount of not less than
dollars, and shall also proceed to pass such
Rules, Regulations and By-laws as shall seem to them fit, provided they
20 be not inconsistent with this Act; And provided also, that such
per centum shall not be withdrawn from such bank or other-
wise applied, except for the purpose of such Railway, or upon the disso-
lution of the Company from any cause whatever.

Election of
Directors.
Proviso.

Proviso.

Proviso.

VIII. The Directors so elected, or those appointed in their stead in
25 case of vacancy, shall remain in office until the first Wednesday in
, one thousand eight hundred and fifty-nine, and on the said first
Wednesday in , and on the first Wednesday in June in each year
thereafter, or such other days as shall be appointed by any by-law, an
annual general meeting of the Shareholders shall be held at the office
30 of the Company for the time being to choose nine 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 should ap-
pear to any or more of such Shareholders, holding together
shares at least, that a special general meeting of the Share-
35 holders is necessary to be held, it shall be lawful for such
or more of them to cause fifteen days' notice at least to be given thereof
in such newspapers as are hereinafter provided, or in such manner as
the Company shall by any by-law direct or appoint, specifying in such
notice the time and place, and the reason and intention, of such special
40 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 matters so speci-
fied only, and all such acts of the Shareholders, or a majority of them,
at such special meetings assembled, such majority not having either as
45 principals or proxies less than shares, shall be as valid to
all intents and purposes as if the same were done at annual meetings.

Term of office
of Directors;
annual elec-
tions.

Special gen-
eral elections.

Powers.

IX. For the purpose of making, constructing and maintaining the
Railway and other works necessary for the proper use and enjoyment
of the Railway by this Act authorized to be constructed, it shall and
50 may be lawful for the Directors of the said Company for the time being
to raise in such manner by loan, subscriptions of stock, issuing of
shares, or otherwise, as to the Directors of the said Company for the
time being shall, from time to time, seem fit, the sum of

Capital Stock
of the Com-
pany, and how
to be raised.

dollars, such shares to be issued in sums of dollars
 each; Provided always, that the said capital sum may from time to
 time, if necessary, be increased in the manner provided for in those
 clauses of the Railway Clauses Consolidation Act, which in and by the
 second section of this Act are expressed to be incorporated with this 5
 Act.

X. It shall and may be lawful for the Directors of the said Company
 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, from time to 10
 time, seem most expedient for raising by the said Company, or for
 raising any part thereof.

XI. Every proprietor of shares in the said Company shall be entitled
 on every occasion when the votes of the members of the said Niagara
 and Detroit Rivers Railway Company are to be given, to one vote for 15
 every share of dollars held by him.

XII. All bonds, debentures, and other securities of 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 interests,
 warrants thereon respectively, which shall purport to be payable 20
 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.

XIII. Any meeting of the Directors of the said Company, at which
 not less than five of such Directors shall be present, shall be competent 25
 to exercise and use all and every of the powers hereby vested in the
 said Directors.

XIV. 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 30
 per centum upon the amount subscribed for by the respective share-
 holders in the said Company, and that the amount of any such calls in
 any one year shall not exceed dollars, per centum, upon the

stock so subscribed: Provided, also, that upon the occasion of any 35
 person or corporation becoming a subscriber for stock in the said Com-
 pany, 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 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 40
 made payable in respect of the stock then already subscribed, at the
 time of such person or corporation respectively subscribing for stock.

XV. 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 their 45
 line of railway, for constructing and keeping in repair, and for carrying
 on the business of the said railway; and as such gravel pits or deposits
 cannot at all times be procured without buying the whole lot of land
 wherein such deposits may be found; it is, therefore, enacted that it
 shall be lawful for the said Company, and they are hereby authorized, 50

from time to time, to purchase, have, hold, take, receive, use, and enjoy, along the line of the said railway, or separate 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 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 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, sidings, 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.

And dispose of them when not required.

XVI. The Company may make traffic arrangements with any other Railway Company or Companies in this Province, or with the International or any other Bridge Company, or may lease the railway or bridge of any such Company, with the necessary conveniences for the purposes of such occupation or traffic arrangements, and the Board of Directors of such railways, and the International or other Bridge Company may agree upon such lease, or traffic arrangements, and grant facilities for the same; and in case of disagreement as to the amount of compensation to be made therefor, or as to the facilities to be granted under such traffic or lease, the same shall be determined by one or more arbitrators appointed on application of either Company, upon notice to the other, by a Judge of one of Her Majesty's Superior Courts of Upper Canada.

Company may make agreements with other Companies, &c., for certain purposes.

XVII. The said Railway shall be commenced within _____ years, and completed within _____ years after the passing of this Act.

Commencement and completion of the Railway. Public Act, &c.

XVIII. The Interpretation Act shall apply to this Act, which shall be deemed a 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 Niagara and Detroit Rivers Railway Company, the receipt whereof is hereby acknowledged, grant, bargain, sell, convey and confirm unto the said Niagara and Detroit Rivers 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, to the said Niagara and Detroit Rivers Railway Company, their successors and assigns for ever, (*if there be dower to release, add*) and I, (*name the wife*), hereby release my dower in the premises.

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

A. B., [L. S.]
C. D., [L. S.]

Signed, sealed and delivered }
in the presence of }