



No. 369.

(PRIVATE BILL.)

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

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## BILL.

An Act to incorporate *The Perth and  
Kemptville Railway Company.*

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Received and Read a first time, Friday, 22nd  
April, 1853.

Second Reading, Wednesday, 27th April, 1853.

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Mr. SHAW.

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QUEBEC:

PRINTED BY JOHN LOVELL, MOUNTAIN STREET.

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1852-3.]

**BILL.**

[No. 369.

**An Act to incorporate *The Perth and Kemptville Railway Company.***

**WHEREAS** the construction of a Railway from the Town of <sup>Preamble.</sup> Perth, in the County of Lanark, to the Bytown and Prescott Railway, at or near Kemptville, in the County of Grenville, with power to extend the said Railway westward to the Town of Belleville, must conduce greatly to the benefits of the inhabitants, residing on the line of such Railway and in the surrounding country, and greatly contribute to increase the trade and revenue of this Province; And whereas R. Knap, R. Kernahan, R. Shaw, R. E. Matheson, J. Doran, H. Burret, A. Merick, S. H. Merick, J. S. French, A. R. Ward, J. S. Archibald, P. Jones, J. Bower, L. Clothier, T. M. Radenhurst, and others, have prayed to be incorporated with the powers requisite for making and maintaining such Railway; Be it therefore enacted, &c.;

That the said R. Knap, R. Kernahan, R. Shaw, R. E. Matheson, <sup>Certain persons incorporated.</sup> J. Doran, H. Burret, A. Merick, S. H. Merick, J. S. French, A. R. Ward, J. S. Archibald, P. Jones, J. Bower, L. Clothier, T. M. Radenhurst, together with such other person or persons, Corporations or Municipalities, as shall, under the provisions of this Act, become Shareholders in such Company as is hereinafter mentioned, shall be and are ordained, constituted and declared to be a body corporate and politic, in fact, by and under the name and style of "*The Perth and Kemptville Railway Company.*" <sup>Corporate name.</sup>

II. And be it enacted, That the several clauses of "The Railway Clauses Consolidation Act," with respect to the first, <sup>Certain clauses of the Railway Clauses Consolidation Act to apply to this Act.</sup> second, third and fourth Clauses thereof, and also the several Clauses of the said 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 Railway," and "General Provisions," shall be incorporated with this Act, save in so far as they are expressly varied by any clause or provision hereinafter contained, subject always to the following modification of the ninth sub-section of the Clause of the said

“Railway Clauses Consolidation Act,” headed “Plans and Surveys,” that is to say: that lands to the extent of twenty acres may be taken by the said Company without the consent of the owner thereof, but subject to the provisions of the said Act in that behalf, for stations, depôts, or other purposes, in any City, Town or Village, in the line of the said Railway

Power to construct Railway.

III. And be it enacted, That the said Company and their servants or agents, shall have full power under this Act to lay out, construct, make or finish a double or single track Railway or Road, at their own cost and charges, on and over any part of the country lying between Perth and The Bytown and Prescott Railway, at or near Kemptville aforesaid. 10

Form of Deeds to Company.

IV. And be it enacted, That deeds and conveyances under this Act, for lands to be conveyed to the said Company for the purposes of this Act, shall and may, at the option of the Company, and as far as the title to the said land or the circumstances of the party making such conveyance admit, be made in the form given in the Schedule to this Act marked A, and all Registrars are hereby required to enter in their Registry Books such deeds, and all other deeds under this Act, for such lands on the production thereof, and proof of execution without any memorial, and to minute every such entry on the said deed; and the said Company are to pay to the said Registrar for so doing, the sum of *two shillings and six pence*, and no more. 15 20

Registration thereof.

Conveyance by woman to her husband to operate as a bar of Dower.

V. And be it enacted, That the simple execution of any deed or conveyance under this Act, by any married woman with her husband, shall operate as a bar of Dower on the lands thereby conveyed, and a conveyance of the title therein, if the same be owned by her, without any other ceremony or formality whatever. 25

Capital Stock. Shares.

VI. And be it enacted, That the Capital Stock of the said Company shall be one hundred and fifty thousand pounds currency, to be divided into fifteen thousand shares of ten pounds each, which amount shall be raised by the persons or parties above named, or some of them, together with such other persons and Corporations as may become Subscribers towards 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 passing of this Act, and for making the surveys, plans and estimates connected with the said 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 whatsoever; Provided always, that until the said preliminary expenses connected with the said Railway shall be paid 30 35 40

Proviso as to preliminary expenses.

out of the Capital Stock thereof, it shall be lawful for the Municipality of any Town or Township, on or near the line of the said Road, to pay out of the General Funds of such Municipality their fair proportion of such Railway preliminary expenses, which sum shall be refunded to such Municipality from the Stock of the said Company, or be allowed to them in payment of Stock.

VII. And be it enacted, That H. Burret, A. Mirick, J. C. Lonsdale, R. Knap, T. M. Radenhurst, L. Clothier, R. Shaw, J. Doran, R. E. Matheson, A. R. Ward, J. S. Archibald, R. Kernahan and J. Bower, 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, and they, or a majority of them, shall have power to open Stock Books, and to make a call on the shares subscribed in such Books, and call a meeting of Subscribers for the election of Directors in the manner hereinafter provided, and to lay out the Railway with all such other powers as by the said Railway Clauses Consolidation Act are conferred upon the Directors elected under the said Act, or named by this Act.

First Directors named.

Their powers.

VIII. And be it enacted, That when and so soon as one-sixth of the said Capital Stock shall have been subscribed, the said Directors, or a majority of them, shall call a General 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 the Towns of Bytown, Perth and Prescott, and at such said General Meeting and at the Annual General Meeting mentioned in the next following Section, the private Shareholders present having paid ten per cent on the Stock subscribed by them respectively, shall, either in person or by proxy elect nine Directors in manner and qualified as hereinafter mentioned, who, together with the *ex officio* Directors, as provided by the Railway Clauses Consolidation Act, shall hold office until the second Monday in January following, or in case of the failure of the election of Directors at that date, then the said Directors shall continue to hold office until the election of Directors takes place.

First General Meeting, how to be called.

Election of Directors.

IX. And be it enacted, That on the said second Monday in January, and on the second Monday in January in each year thereafter, or on such other day and at such place as shall be appointed by any By-law, there shall be chosen by the Shareholders entitled to vote at such Election, seven Directors; and public notice of such Annual Election shall be published one month before the day of Election in the *Canada Gazette*, and also once at least fifteen days before the Election in one newspaper in each City, Town or County

Seven Directors to be elected annually.

Proviso.

on the line of the Road, and if any vacancy shall occur among the said seven Directors by death, resignation or otherwise, such vacancy shall be filled; or left without being filled, as shall be decided by a majority of the Board of Directors, and the Acts of the Board of Directors shall be good and valid, notwithstanding such vacancy or vacancies, provided there remains besides such vacancies a full majority of the whole Board of Directors, and the said seven elected Directors with the said *ex officio* Directors shall form the Board of Directors.

Majority of Board to be a quorum.

X. And be it enacted, That a majority of the said Board of 10 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.

Qualifications of Directors.

XI. And be it enacted, That the persons qualified to be Directors of the said Company under this Act, shall be any Shareholder hold- 15 ing Stock to the amount of one hundred pounds, who shall have paid up all calls due and payable on such Stock.

Instalments how called in.

XII. And be it enacted, That the Directors of the said Company shall have power, from time to time, to make such calls of money from the Subscribers or holders of shares in the Capital of the said 20 Company, who shall not already have paid the full amounts due and payable in respect of their respective shares, as they shall deem necessary, so that no such call shall at any one time exceed the sum of one pound and five shillings upon each share which any person or Corporation shall be possessed of, or entitled unto, or the Subscriber 25 or holder of, nor made payable at a less interval than one month from the previous call, and twenty-one days notice at least shall be given of every such call in such manner as the Directors shall appoint.

One vote for each Share.

XIII. And be it enacted, That the number of votes to which each 30 Shareholder shall be entitled on every occasion when votes of the Shareholders are to be given, shall be in proportion to the number of shares held by him, and 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 35 party claims to vote at least eighteen hours before the hour appointed for any such meeting, and any Municipal Corporation whose Warden, Mayor or Town Reeve shall be *ex officio*, a Director of the said Company, shall not vote or be entitled to vote in or for the Election of other Directors of the Company to be elected by the Shareholders; 40 or to vote at any General Meeting of the Shareholders.

Company may be par-

XIII. And be it enacted, That the said Company shall have power to become parties to Promissory Notes or Bills of Exchange

for sums not less than twenty-five pounds, and any such Promissory Note made or indorsed, and any such Bill of Exchange drawn, accepted or indorsed by the President, or the Vice President of the Company, and countersigned by the Secretary and Treasurer, as such  
 5 after the passing of this Act, shall be presumed to have been properly made, drawn and 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,  
 10 dent, or Secretary or Treasurer of the Company so making, drawing, accepting or indorsing any such Promissory Note or Bill of Exchange, 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 payable to  
 15 bearer, or any Note intended to be circulated as money or as Notes or Bills of a Bank.

ties to Notes and how.

XIV. And be it enacted, That it shall and may be lawful, with the consent of the Governor in Council, to take and appropriate for the use of the said Railway, but not to alienate, so much of the wild  
 20 lands of the Crown not theretofore granted or sold, lying in the route of the said Railway, as may be necessary for the use and purposes of the said Railway, as also so much of the land covered with the waters of any river, stream, lake or canal, or their respective beds, as may be found necessary for the making and completing, or  
 25 working or more conveniently using the same, and thereon to erect such wharves, quays, inclined planes, bridges, cranes, engines and all such other works and buildings as to the said Company shall seem meet for the purposes of the said Railway; 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  
 30 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 leave such openings between the piers of their bridge or viaduct over the same, and shall construct such draw-  
 35 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  
 40 time to time, and by any such regulations the Governor in Council may impose penalties not exceeding ten pounds for any contravention thereof, nor shall it be lawful for the said Company to construct any wharf, bridge, pier or any other work upon the public head or bed of any navigable river or stream, or upon the  
 45 lands covered with the waters thereof, until they shall have submit-

Company may take wild lands, &c.

ted the plan of such work to the Governor in Council, nor until the same shall have been approved of by him in Council as aforesaid.

Tolls and charges to be fixed by Directors.

Proviso:

XV. And be it enacted, That it shall and may be lawful for the President and Directors of the said Company, from time to time, to fix, regulate and receive the tolls and charges to be received for the transmission of property or persons on the said Railway, subject always to the approval of the Governor in Council as is provided by the Railway Clauses Consolidation Act; Provided always, that in no case shall the amount charged for toll and charges, exceed for first class passengers two pence currency per mile, and for second class passengers one penny half-penny currency per mile, and for third class passengers one penny per mile.

In case of refusal to pay toll or freight

XVI. And be it enacted, That in case of neglect or refusal to pay the toll or freight due to the said Company on any goods, they shall have the power to detain the same until payment of such freight be made, and in the meantime, such goods will be at the risk of the owner as provided in the said Railway Clauses Consolidation Act, and if such goods be of a perishable nature the said Company shall have the right to sell the same forthwith on the certificate of two competent persons establishing the fact of their being so perishable, and if such goods be not of a perishable nature and shall remain unclaimed for a period of twelve months, it shall be lawful for such Company after giving one month's notice in two newspapers published at or nearest the locality where such goods may be, to dispose of the same by Public Auction and to hand over to the owner the produce of such sale, if he shall claim the same, after the deduction of the said tolls and freight and of the expenses incident to such sale, and no interest shall accrue on the amount so payable to the owner of such goods during the time they may be in the possession of the Company, if the owner shall neglect to claim or refuse to receive it.

Company may unite with any other Railway in its route.

XVII. And be it enacted, That it shall and may be lawful for the said Company to cross, intersect, join and unite the said Railway with any other Railroad or Railway at any point on its route and upon the lands of any other Railroad or Railway, and make the necessary works and conveniences for the purposes of such connection, and the said Company may agree and unite with any other Company in forming such connection or intersection, and in granting the facilities therefor, and in case of refusal or of disagreement upon the amount of compensation to be made therefor, or upon the point or manner of such crossings or connection, the same shall be settled and determined by Arbitrators to be appointed by two of the Judges of the Superior Court of Common Law in Upper Canada.



XVIII. And be it enacted, That it shall be lawful for the said Company to enter into any agreement with any other Railway Company either in this Province, or in any Foreign State, for leasing the said Railway or any part thereof, or for the use and working thereof, at any time or times to such other Company or for leasing or hiring out to such other Company, any locomotives, cars or carriages, tenders or other moveable property of the said Company, either altogether or for any time or times, occasion or occasions, or for leasing or hiring from such other Company any Railway or part thereof, or the use thereof, any time or times, or for leasing or hiring from such other Company any locomotives, cars, carriages, tenders or other moveable property, or for using any part or the whole of the said Railway or moveable property of the said Company, or of the Railway or moveable property, or either of such other Company in common by the two Companies, or generally to make any agreement or agreements with any other Company or Companies touching the use, or leasing or working, by any one or more of them, of the Railway or Railways and moveable property belonging to such Company or Companies, or any part thereof, and touching service to be rendered by any one or more and compensation therefor; and any such agreement shall be valid and binding, and shall be enforced by all Courts of Justice in this Province, according to the terms and tenor thereof, and any locomotive, car, carriage, tender or machine or contrivance connected therewith, from any Foreign Railroad Company brought into this Province in pursuance of any such agreement, but remaining the property of a Foreign Company and intended to pass regularly between this Province and a Foreign State, shall for all purposes of the laws relative to Customs be considered as carriages of travellers coming into this Province with the intent of immediately leaving it again.

Company may enter into certain agreements with other Companies.

XIX. And be it enacted, That it shall be lawful for the said *The Perth and Kemptville Railway Company*, at any time hereafter, to form such union, junction or amalgamation with any other Railway Company, and upon such terms and conditions as may be agreed upon at a General Meeting of the Shareholders of the said Company specially convoked for that purpose, and it shall be lawful for any other Company to enter into such union, junction or amalgamation, if agreed to or authorized by a General Meeting of the Shareholders of such other Company, and after such union, junction or amalgamation being made, the Companies so united shall form one and the same Company under the name and style which shall be agreed upon, and shall be a body Corporate and politic, in fact, by and under the name and style that shall be so agreed upon, and retain all their corporate powers and functions.

Junction with other Companies.

XX And be it enacted, That all provisions of law inconsistent

Contrary laws repealed.

with this Act, are and shall be repealed, in so far as relates to this Act, from the passing thereof.

Public Act. XXI. And be it enacted, That the Intepretation Act shall apply to this Act, and that this Act shall be a Public Act.

### SCHEDULE A.

#### FORM OF CONVEYANCE.

Known all men by these presents that I, A. B. of *(here insert the name of the wife, if any)*, in consideration of, *(name the sum)* paid to me by "*The Perth and Kemptville Railway Company,*" the receipt whereof is hereby acknowledged, do hereby grant unto "*The Perth and Kemptville Railway Company*" and their assigns for ever, all that certain piece of ground, situate *(describe the land)*, the same having been set out and selected by the said Company for the purposes of their Railway.

Witnessed                      Hand and Seal, this                      day of  
A. D.

Signed, sealed and delivered  
in presence of

A. B. [L. s.]

*(And if the wife join)* C. D. [L. s.]