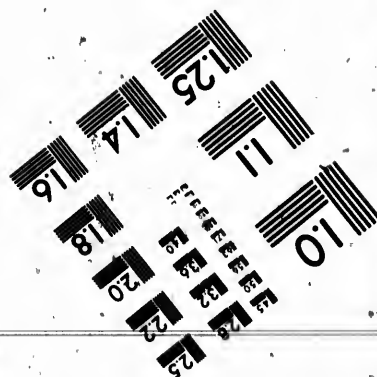
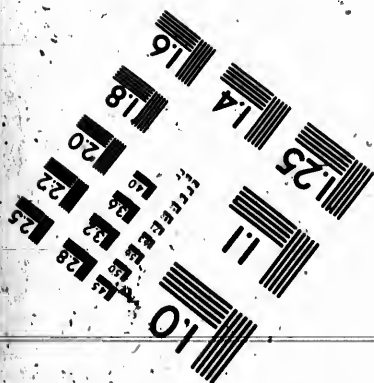
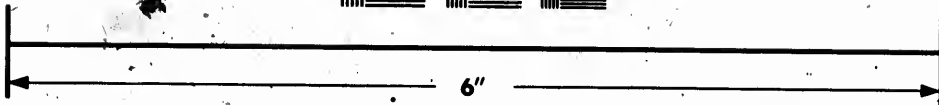
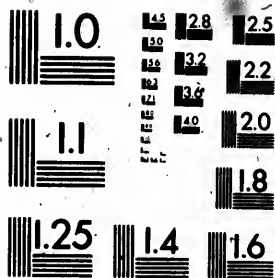


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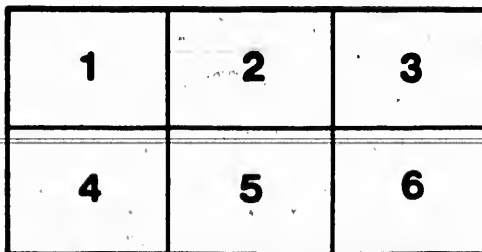
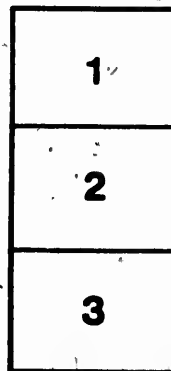
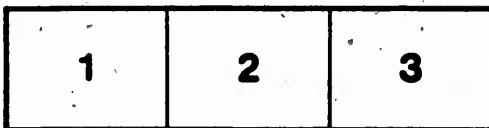
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John G. ...
...

No. 22.

2nd Session, 4th Legislature, 44 Vic., 1881.

BILL.

An Act amalgamating the Port Dover and Lake Huron, the Stratford and Huron and the Georgian Bay and Wellington Railway Companies as the Grand Trunk, Manitowlin, Georgian Bay and Lake Erie Railway Company.

First Reading, .., 1881.

(PRIVATE BILL)

MR. HAY.

TORONTO:
PRINTED BY C. BLANCHETT HODGKINSON.

An Act amalgamating the Port Dover and Lake Huron, the Stratford and Huron and the Georgian Bay and Wellington Railway Companies as the Grand Trunk, Manitoulin, Georgian Bay and Lake Erie Railway Company.

WHEREAS the Port Dover and Lake Huron Railway Company, the Stratford and Huron Railway Company, and the Georgian Bay and Wellington Railway Company, have, by their petition, prayed for an Act amalgamating their 5 companies into one company and corporation, and for the grant to such company and corporation of the powers and privileges hereinafter mentioned; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent 10 of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. In the interpretation of this Act, unless the context shall require a different interpretation the words, "the company" shall mean the company hereby incorporated; the words 15 "the companies hereby amalgamated" shall mean the Port Dover and Lake Huron, the Stratford and Huron, and the Georgian Bay and Wellington Railway Companies, and the words "company hereby amalgamated" shall mean such one of the last named railway companies as the context may point 20 out.

2. From and after the passing of this Act, the shareholders of the companies hereby amalgamated, together with such persons and corporations as shall, under the provisions of this Act, become shareholders in the company are declared to be a 25 body corporate and politic, under the name of the Grand Trunk, Manitoulin, Georgian Bay and Lake Erie Railway Company.

3. All the rights, claims, property, estate and effects of each of the companies hereby amalgamated, are hereby vested in 30 the company, subject to the provisions of this Act.

4. The assets of each company hereby amalgamated, notwithstanding they are vested in the company by this Act, shall continue liable to satisfy all liens and claims against that company hereby amalgamated which was originally liable 35 therefor or thereto, and shall be applied in such satisfaction, but no other assets of the company shall be applied, nor shall the assets of one company hereby amalgamated be so applied in satisfaction of any lien and claim against the other: Pro-

vided that all suits and proceedings to enforce any such lien or claim shall be brought and taken against the company; and all actions, suits and proceedings, by or against any company hereby amalgamated, and pending at the time of the passing of this Act, shall be continued by or against the company: Provided also, that the rights of any person or party having any special lien, charge or privileged claim upon the lands, buildings, tolls, or other property of any of the companies hereby amalgamated, or upon any part thereof, shall not be affected, save that they shall be subject to the provisions contained in this Act regarding the issue of bonds by the company.

Proviso.

Location of main line.

5. The company shall be and is hereby authorized and empowered to maintain and complete the lines of railway already constructed or in the course of construction by any of the companies hereby amalgamated, with all the works, stations, and equipments thereof; and to construct and maintain extensions of such lines of railway, with all necessary sidings, works, stations, and equipments thereof, from the town of Palmerston to the village of Wiarton and the town of Owen Sound, or either of such places, and from the village of Wiarton to any point on the northerly boundary of the township of St. Edmund, in the county of Bruce; and from some point upon or near the easterly or southerly shore of the Great Manitoulin Island, to some point or points in the Great Manitoulin Island, and in any 25 Island in Lake Huron, lying between the Great Manitoulin Island and the State of Michigan, and from the town of Durham to the town of Owen Sound, or to some other point or points on the Georgian Bay, or to a junction with the Toronto, Grey and Bruce Railway; and a branch from some 30 point in the line of railway between the town of Palmerston and the village of Wiarton to the town of Walkerton; and on all or any part or parts of the said line of railway to make, lay and maintain a single or double track.

Branch to Walkerton.

Gauge.

Certain clauses of the Railway act to apply.

6. The said railway may be of any gauge. 35

7. The several clauses of the Railway Act of Ontario, with respect to "interpretation," "incorporation," "powers," "plans and surveys," "lands and their valuation," "highways and bridges," "fences," "tolls," "general meetings," "president and directors," "calls," "dividends," "shares and their transfer," "shareholders," "municipalities taking stock," "by-laws, notices, etc.," "working of the railway," "actions for indemnity and fines and penalties and their prosecution," and "general provisions," shall be incorporated with and be deemed to be a part of this Act, and shall apply to the company and its 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 clauses of the said Railway Act so incorporated with this Act. 45

Board of Directors.

8. From and after the passing of this Act, until the first 50 election of directors thereunder, David Tisdale, Henry Parker, Gilbert Moore, Samuel Street Fuller, Thomas Jehu Clarke, Ephraim Cook, George Jackson, M.P., James McMullen, Robert T. Livingstone and John Jackson, shall be the directors, and constitute the board of directors. 55

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9. The capital stock of the company shall be four hundred and eighty-three thousand, two hundred and fifty dollars, being an amount equal to the combined capital stock of all the companies hereby amalgamated, divided into nine thousand six hundred and sixty-five shares of fifty dollars each, with power to increase the same in the manner provided, by the Railway Act of Ontario, and each holder of stock in either of the companies hereby amalgamated shall be a shareholder in the company to the amount of stock he held in either of the companies hereby amalgamated.

Capital of
the company
\$483,250.

10. The directors hereinbefore appointed shall, within six months from the time this Act shall take effect, call a general meeting of the shareholders of the company, for the purpose of electing directors of the company, and at such meeting each director hereinbefore appointed shall be eligible to be elected.

First meeting
for election
of directors.

11. Notice of the time and place of holding such first and all subsequent general and annual meetings of shareholders shall be given by publication, once in the *Ontario Gazette*, at least two weeks previous to the day of meeting, and once a week in a daily newspaper published in Toronto during the two weeks preceding the week in which the meeting is to be held, and the meeting shall be held at such place, and on such day and hour, as the directors shall from time to time appoint and name in the notice calling the meeting.

Time and
place and
notice of
meeting.

12. At such general meeting the shareholders of the company, assembled with such proxies as may be present, shall choose seven persons to be the directors of the company, any four of whom shall form a quorum.

Election of
Directors.

13. No person shall be qualified to be elected as a director unless he be a shareholder, holding at least ten shares of stock in the company.

Qualification
of Directors.

14. Aliens as well as British subjects, and whether resident in this Province or elsewhere, may be shareholders in the company, and all such shareholders shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to office as directors in the company.

Rights of
aliens.

15. Conveyances of lands to the company, for the purposes of this Act, may be in the form set out in the schedule (schedule A) hereunder written, or to the like effect, and such conveyances shall be registered by duplicates thereof, in such manner and upon such proof of execution as is required under the registry laws of Ontario, and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificate included on the duplicate thereof.

Form etc. of
Conveyances.

16. It shall be lawful for any municipality or municipal corporation or any county municipality, or any portion of any such municipality or municipalities, or county municipality, which may be interested in securing the construction of the said railway or through any part of which or near which the railway or roads of the company shall pass or be situated, to aid and assist the company by loaning or guaranteeing or giving money by

Powers of
municipalities
or portions
thereof to
grant aid.

way of bonus to the company, or 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, or any portion of any of them, shall think expedient, and the aid and assistance to be given to the company by any portion of a county municipality, whether the metes and bounds of such portion of a county municipality, as set forth in the by-laws for granting such aid be the metes and bounds of townships, or be so defined as to comprise a township, or townships and portions of townships, or only portions of townships; and in case the debentures to be issued should and shall be those of such a portion of a township municipality granting such aid, then township municipality, or in case of portions of a county municipality, as aforesaid, such debentures should and shall be those of the county municipality, and the proper council may, of their own motion and without any previous petition therefor, submit the requisite by-law in that behalf for the approval of the qualified voters of the municipality or portions of the municipality to be affected thereby: 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 ratepayers, as provided in the Municipal Act for the creation of debts.

Proviso.

Aid from a municipality on petition.

17. In case fifty persons, at least, rated on the last revised assessment roll of any municipality as freeholders, who may be qualified voters under the Municipal Act, do petition the council of such municipality, in such petition, expressing the desire of the said petitioners to aid in the construction of the said railway by giving a loan, guarantee or bonus to the company, and stating the amount which they so desire to grant and be assessed for, the council of such municipality shall, within six weeks after the receipt of such petition, introduce a by-law and submit the same to the vote of the qualified voters.

Aid from a portion of a municipality on petition.

18. In case aid is desired from any portion of a township municipality, if at least thirty of the persons who are qualified voters, as aforesaid, in any portion of the said township municipality, do petition the council of such municipality to pass a by-law, in such petition defining the metes and bounds within which the property of the petitioners is situate, and expressing the desire of the said petitioners to aid in the construction of the said railway, by granting a bonus, loan or guarantee to the company, and stating the amount which they so desire to grant and be assessed for, the council of such municipality, shall within six weeks after the receipt of such petition, introduce a by-law and submit the same to the vote of the qualified voters.

Aid from a county or a portion thereof on petition.

19. In case aid is desired from any county municipality or any portion of a county municipality, upon the petition of at least fifty persons who are qualified voters, as aforesaid, within such county municipality or portions of the county, as the case may be, or upon a petition of the majority of the reeves and deputy-reeves of such county municipality, as reside in the said portion from which aid is desired, and in the case of a portion of the county, do, in such petition, define the municipality or municipalities within such county municipality, and the metes and bounds of the portion or portions of the municipality

of the ratable property affected thereby, shall be valid, although the amount of the annual rate to be levied in pursuance thereof shall exceed two cents in the dollar.

Exemption from taxation.

26. It shall further be lawful for the corporation of any municipality, in or through any part of which the railway of the company passes, or is situate, by by-laws, specially passed for that purpose, to exempt the company and its property within such municipality, either in whole or in part, from municipal assessment or taxation, or by fixing the assessable value of such property, or to agree to a certain sum per annum or otherwise, in gross or by way of commutation or composition for payment, or in lieu of all or any municipal rates and assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient; and any such by-laws shall not be repealed unless in conformity with any condition contained in such by-law.

Municipality may direct where its aid shall be expended.

27. Whenever any municipality or portion of a municipality shall aid, loan, guarantee, or give money or bonds, by way of a bonus to aid the making, equipment and completion of said railway, it shall be lawful for the company to enter into a valid agreement with such municipality, binding the company to expend the whole of such aid so given upon works of construction within the limits of the municipality granting the same, or upon such other portions of the said line of railway as the said municipality may see fit to direct; but such direction once given shall not be withdrawn, or in any way qualified.

Council may consent that route may be varied.

28. The council of any municipality, or of any minor municipality comprised in a county or section of a county municipality, which has aided or may aid the said railway by granting a bonus thereto, may, on the application of the company from time to time, consent to the conditions of the agreements made with such municipality as to the route of the railway mentioned therein, being varied to such extent and in such manner as an actual survey of the line, may render necessary or expedient, and to the extent of such alterations, the original agreements may be varied accordingly: Provided always that nothing herein contained shall be construed as authorizing the council to sanction any deviation from the line originally agreed on beyond what may be found necessary, or expedient from natural or engineering difficulties; and provided also that it shall be lawful for the company in any such case to enter into an agreement with such municipality for the gravelling or macadamizing any road leading to the said railway. In case the council of a municipality or minor municipality cannot agree with the company as to what deviation should be made, owing to such natural or engineering difficulties, the said council and the company respectively shall each appoint an arbitrator, and such two arbitrators and the county judge, or some person appointed by him to act as arbitrator in his stead, shall finally determine the matter, and the direction given by any municipality granting aid to the company, under the next preceding section, shall apply so far as practicable to the route when varied under this section; and in case of dispute between the company and such municipality in reference to the application of such direction to the route when varied as aforesaid, the

Proviso.

In case of dispute about deviation of route arbitration provided for.

7
same shall be determined by arbitration in like manner, as above provided, in regard to the variation of the route of the said railway.

29. The municipal council of any and every county through or near any part of which the line of the said railway shall run, are hereby authorized and empowered by by-law to guarantee the payment of the principal and interest, as they respectively become due, of any debentures issued, or which may hereafter be issued by any township, town or incorporated village in such county to aid the construction of the said railway, and it shall not be necessary to submit any such by-law to the vote or approval of the ratepayers.

County Council may guarantee payment of debentures of minor municipalities.

30. Whenever any municipality or portion or portions of a municipality shall grant a bonus or loan to assist the company in the making, equipping and completion of the said railway, the debentures therefor, or bonds, shall within six months after passing of the by-law, authorizing the same be delivered to three trustees, to be named, one by the Lieutenant-Governor in Council; one by the company, and one by the heads of the municipalities granting such bonuses, or the majority of them who shall attend a meeting for that purpose, to be held at such time and place as the company may appoint for that purpose, notice of which shall be sent to each reeve, mayor, or warden of the municipalities respectively, by mail, at least

Debentures may be held by trustees.

fourteen days before the day appointed, all the trustees to be residents of the Province of Ontario: Provided that if such reeves, mayors, or wardens shall refuse or neglect to name such trustee, or if the Lieutenant-Governor in Council shall refuse or neglect to name said trustee within one month after notice, in writing, to him of the appointment of the other trustees, the company shall be at liberty to name such other trustee or other trustees. Any of the said trustees may be removed and a new trustee appointed in his place at any time by the Lieutenant-Governor in Council, with the consent of the company, and in case any trustee dies or resigns his trust, or goes to live out of Ontario, or otherwise becomes incapable to act, his trusteeship shall become vacant and a new trustee may be appointed by the Lieutenant-Governor in Council, with the consent of the company.

Trustees how appointed.

Removal, and appointment of new trustees.

31. The said trustees shall receive the said debentures or bonds in trust, firstly, under the direction of the company, to convert the same into money; secondly, to deposit the amount realized from the sale in such one or more of the chartered banks having an office in the Province of Ontario, as the company shall direct in the name of the Grand Trunk, Manitoba, Georgian Bay and Lake Erie Railway Company, and municipal trust account, and to pay the same out to the company from time to time on the certificate of the chief engineer of the said railway, in the form set out in schedule B, hereto, or to the like effect, setting out the portion of the railway to which the money to be paid out is to be applied, and that the sum so certified for is in pursuance of the terms and conditions of the by-law, and such certificate shall be attached to the cheques to be drawn by the said trustees, and such engineer shall not wrongfully grant any such certificate under penalty of one hundred dollars, recoverable in any county court by any person who may sue therefor.

Trusts on which debentures shall be held.

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Acts of two trustees to be binding.

32. The acts of any two of such trustees shall be as valid and binding as if the three had agreed.

Trustees already appointed to continue.

33. Provided always that the trustees already appointed to receive such debentures and bonds, under any Act relating to any of the companies hereby amalgamated, shall continue to exercise all the powers with regard to receiving, holding, and dealing with such debentures and bonds already issued, and conferred by the said Acts, and under and subject to the trusts thereby directed.

Power to trustees to pay for rails and track supplies.

34. Whenever the company shall have purchased rails, 10 fish-plates, bolts and nuts, and spikes, to the value of five thousand dollars, and the same shall have been placed in or upon its lands, then, and so often as the same to the value aforesaid shall have been so placed as aforesaid, the trustees, by the statutes in that behalf appointed to receive municipal 15 debentures in aid of the company, who shall then fill the said office of trustees, or a majority of them, shall, within five days after notification in writing, that such rails, fish-plates, bolts and nuts, and spikes, have been so placed, accompanied by a certificate of the engineer for the time being, of the company, stating the quantity, description and value thereof, pay to the 20 company the amount at which the value is so stated in the said certificate, and charge the same against any portion of the fund in their hands for what purpose or on what terms soever it may have been so placed therein, and the value of the said rails, fish-plates, bolts and nuts, and spikes, shall be stated by the 25 said engineer at the price actually paid therefor.

Penalty of false certificate.

35. If the said engineer shall knowingly or wilfully certify to any false or incorrect statement of the quantity, description or value of the said rails, fish-plates, bolts and nuts, and spikes, he shall for each such false or incorrect statement, in 30 addition to any other punishment by law imposed, be liable to a penalty of five hundred dollars.

Upon payment rails and track supplies to vest in the trustees.

36. Forthwith upon each payment so made by the said trustees, under the thirty-fourth section of this act, the said rails, fish-plates, bolts, nuts and spikes, in respect whereof the said pay- 35 ments shall have been made, shall vest in and become the property of the said trustees, to be laid, used and employed upon the railway, and its construction within the limits of the respective municipality or municipalities, wherein according to the terms of the respective by-laws granting aid to the com- 40 pany, the money paid by the said trustees for the purchase of such rails, fish-plates, bolts, nuts and spikes, is or shall be directed or agreed to be expended, and not otherwise, or else- where: Provided always that the said trustees shall not make 45 any such payments, if by doing so the amount or percentage reserved by the by-laws of any municipality for payment on the completion of the railway to the village of Warton, should in any way be impaired or diminished.

Proviso.

Trustees to pay off incumbrances.

37. Should there be any lien, charge, or incumbrance affect- ing the said rails, fish-plates, bolts and nuts, and spikes, the 50 same shall be paid by the said trustees out of the fund in their hands, and to which payment the holder of the said lien, charge or incumbrance, shall be entitled in the place and stead

and in substitution for, his said lien, charge or incumbrance, such payment by the said trustees shall, to the amount or amount thereof, be considered in all respects as a payment to the company, under the thirty-fourth section of this Act.

38. The company shall have power and authority:—
(1) To make and issue first mortgage bonds, and also second mortgage bonds, for the purpose of redeeming outstanding bonds of the Port Dover and Lake Huron and the Stratford and Huron Railway Companies, and for the general purposes of the company as the same may from time to time be required in such denominations, payable either in currency or in sterling, and at such place or places within this Province as may be deemed expedient, and bearing such rate of interest, and each bond for such an amount as may be deemed advisable, and for the purpose of securing the due payment of any issue thereof, and the interest thereon, to mortgage trustee or trustees with portion of the line of railway and of the property of the company as may be mentioned in such mortgage; and such mortgage bonds and all coupons and interest warrants thereon shall be payable to the bearer, and be transferable by delivery;

(2) Provided that such issue or issues of bonds shall not in the whole exceed the sum of one thousand six hundred pounds sterling, or its equivalent in currency per mile for each mile in length of the railway constructed, and hereby authorized to be constructed; nor shall any such mortgage or mortgages be made to secure in the whole a greater sum than one thousand six hundred pounds sterling, or its equivalent in currency per mile for each mile in length of the portion of the line of railway mentioned therein;

(3) Every such mortgage to secure payment of first mortgage bonds shall be a lien and charge upon such portion of the line of railway, and of the undertaking, and such of the lands, tolls, revenues, and other property of the company, whether then existing or to be thereafter acquired, as may be mentioned therein, in preference and priority to all other charges thereon, and every such mortgage for securing payment of second mortgage or income bonds shall be a lien and charge upon such portion of the line of railway, and of the undertaking and such of the lands, tolls, revenues and other property of the company, whether then existing or to be thereafter acquired, as may be mentioned therein, next after and subject only to the mortgage or mortgages securing first mortgage bonds; and no more than one mortgage shall be made over the same portion of the line, undertaking, lands, tolls, revenues or other property of the company to secure first mortgage bonds.

39. The company may redeem all outstanding bonds of the Port Dover and Lake Huron and the Stratford and Huron Railway companies by providing for the holders thereof bonds of the company to such an amount and of such class or classes as may be agreed upon between the company and two-thirds of each class of the bondholders of the Port Dover and Lake Huron Railway Company, and of the holders of the bonds of the Stratford and Huron Railway Company.

Power to make and issue first and second mortgage bonds.

May mortgage to a any portion of line to secure bonds.

Bond issue not to exceed £1,600 sterling per mile.

Priorities of mortgages securing first and second mortgage bonds.

Only one mortgage over same portion of line to secure first mortgage bonds.

Power to redeem P. D. and L. H. and S. and H. R. bonds by consent of two-thirds of holders thereof.

Notice to be given in *Ontario Gazette* when new bonds ready.

40. After the bonds of the company are made and ready for delivery, according to the terms of such agreement, the secretary of the company shall publish a notice to that effect in the *Ontario Gazette*, and upon publication of such notice the holders of all outstanding bonds of the Port Dover and Lake Huron, and the Stratford and Huron Railway Companies, shall forthwith become entitled to such of the said bonds of the company as the said agreement shall appropriate to them, and the outstanding bonds aforesaid, and all coupons for interest thereon, shall become null and void.

Construction by five mile sections.

41. The company is hereby authorized and empowered to take and make the surveys and levels of the land through which the railway of the company is to pass, together with the map or plan thereof, and of its course and direction, and of the lands intended to be passed over and taken therefor, so far as then ascertained, and also the book of reference for the railway, and to deposit the same as required by the clause of the Railway Act of Ontario, with respect to "plans and surveys," by sections or portions less than the whole length of the said railway authorized, of such length as the company may from time to time see fit, so that no one of such sections or portions shall be less than five miles in length; and upon such deposit, as aforesaid, of the map or plan, and book of reference, of any and each of such sections or portions of the said railway, all and every of the clauses of the said Railway Act applied to, included in, or incorporated with this Act, shall apply and extend to any and each of such sections or portions of the said railway, as fully and effectually as if the surveys and levels had been taken and made, of the lands through which the whole of the said railway is to pass, together with the map or plan of the whole thereof, and of its whole course and direction, and of the lands intended to be passed over and taken, and the book of reference, for the whole of the said railway, had been taken, made, examined, certified and deposited, according to the said clauses of the said railway Act, with respect to "plans and surveys."

Branch lines and sidings.

42. For the purpose of connecting any city, town, village, manufactory or manufactories, mine or mines, or any quarry or quarries of stone or slate, or any well or spring with the main line of the railway of the company, or with any branch thereof, or with any railway worked or leased by the company, and for the purpose of giving increased facilities to business, or for the purpose of transporting the products of any such manufactory, mine, quarry, well or spring, it shall be lawful for the company to build, make and construct and to work and use all sidings, switches or branch lines of railway, not to exceed in any one case six miles in length: Provided always, that the company shall not proceed to locate or build any branch line of more than one quarter of a mile in length under this section of this Act, until public notice shall have been given for six weeks in some newspaper published in the county or counties through or in which such branch line is to be made, that it is the intention of the Company to apply to the Lieutenant-Governor in Council to sanction the building of such branch line and to appropriate the necessary lands for that purpose under the compulsory powers vested in the company by this Act or by any other Act in its behalf; nor

Notice to be given when branch exceeds one quarter of a mile.

unless the company shall, prior to the first publication of such notice, have deposited in the registry office of any city, county, or part of a county in which the line or any part thereof is to be constructed the maps and plans indicating the location of the line; nor until the company shall have submitted the same to, and such maps and plans shall have been approved by, the Lieutenant-Governor in Council after the expiration of the notice, and provided further that the order of the Lieutenant-Governor in Council approving the said maps and plans shall limit the time not exceeding two years from the date of such order within which the company may construct such branch line. For any and every such purpose the company shall have and may exercise all the powers given it with respect to its main line by this Act, and the Railway Act of Ontario, and each and all provisions of the said Acts which are applicable to such main line shall extend and apply to every such siding, switch or branch line of Railway.

Approval by
Lieut.-
Governor.

Powers conferred by this
Act and
Railway Act
to apply.

43. The company shall have power and authority to become parties to promissory notes and bills of exchange for sums of not less than one hundred dollars, and any such promissory note made or indorsed by the president or vice-president of the company, and countersigned by the secretary and treasurer of the company, and under the authority of a quorum of the directors, shall be binding on the company, and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shewn, and in no case shall it be necessary to have the seal of the company affixed to such promissory note: Provided, however, that nothing in this section shall be construed to authorize the company to issue a note or bill of exchange payable to bearer or intended to be circulated as money or as the notes or bills of a bank.

Powers as to
promissory
notes and
bills of
exchange.

Restrictions.

44. Whenever it shall be necessary for the purpose of procuring sufficient lands for stations or gravel-pits, for constructing, maintaining, and using the said railway, and in case by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price or to greater advantage than by purchasing the railway line only, the company may purchase hold, use and enjoy such lands and also the right of way thereto, if the same be separated from their railway, and sell and convey the same or part thereof from time to time as they may deem expedient.

Company may
purchase
additional
lands.

45. When stone, gravel, earth, or sand is or are required for the construction or maintenance of said railway or any part thereof, the company may, in case it cannot agree with the owner of the land on which the same are situate, for the purchase thereof, cause a provincial land surveyor to make a map and description of the property so required and they shall serve a copy thereof with their notice of arbitration as in the case of acquiring the right of way, and the notice of the arbitration, the award and the tender of the compensation shall have the same effect as in the case of arbitration for the right of way, and all the provisions of the Railway Act of Ontario, as varied and modified by the special Acts relating to the company, as to the service of the said notice of arbitration, compensation, deeds,

Power to take
material for
construction
or maintenance.

payment of money into court, the right to sell, the right to convey and the parties from whom lands may be taken or who may sell, shall apply to the subject matter of this section, and to the obtaining materials as aforesaid, and such proceedings may be had by the company, either for the right to the fee simple in the land from which said materials shall be taken or for the right to take materials for any time they shall think necessary; the notice of arbitration in case arbitration is resorted to, to state the interest required. 5

Power to lay tracks to where materials are taken.

46. When said gravel, stone, earth or sand shall be taken 10 under the preceding sections of this Act, at a distance from the line of the railway, the company may lay down the necessary sidings and tracks over any lands which may intervene between the railway and the lands on which such materials shall be found, whatever the distance may be, and all the provisions of 15 the Railway Act of Ontario, and of the special Acts relating to the company, except such as relate to filing plans and publications of notice, shall apply and may be used and exercised to obtain the right of way from the railway to the land on which materials are situated, and such right may be so ac- 20 quired for a term of years or permanently as the company may think proper and the powers in this and the preceding sections may at all times be exercised and used in all respects after the railway is constructed for the purpose of repairing and main- 25 taining the said railway;

Sec. 20 of Railway Act not to apply.

(2) In estimating the damage for the taking of gravel, stone, earth or sand, subsection eight of section twenty of the Railway Act of Ontario shall not apply.

Company may enter into agreement with other companies touching the use of the road etc.

47. The company is hereby authorized and empowered before bonds of the Company have been issued under the 30 provisions of this Act, if at any general meeting of the shareholders of the company and the holders of the bonds of the Port Dover and Lake-Huron Railway Company and of the Stratford and Huron Railway Company, and after the issue of bonds of the Company, if at any general meeting of the share- 35 holders of the company, either meeting being so called for that purpose, published and notified as prescribed by the provisions of this Act relating to notices of meetings of shareholders, the majority in value of the votes of the members of such meeting present in person or by proxy consent thereto, 40 to enter into agreements with any other railway company or companies which is or are lawfully empowered to enter into such agreements for building or leasing or equipment and maintenance of the said railway or any part thereof, or the use thereof at any time or times, or for any period to or 45 by such other company or companies, or for leasing or hiring from such other company any railway or part thereof or the use thereof, or for the leasing or hiring any locomotives, tenders, rolling stock or movable property, and generally to make any agreement or agreements with any such other com- 50 pany touching the use by one or the other or by both companies of the railway or movable property of either, or of both or any part thereof, or touching any service to be rendered by the one company to the other, and the compensation therefor, and such other railway company as well as any other corporation may agree 55 upon any terms, they may mutually consent to for the loan of its credit to, or may subscribe to or become the owner of the

stock of the railway company hereby created in like manner and with the like rights as individuals, but in so far only as the powers hereby conferred, may be construed to have reference to any act, deed, matter or thing to be done, executed, fulfilled or performed within the limits of the Province of Ontario; and any such agreement shall be valid and binding, and shall be enforced by courts of law, according to the terms and tenor thereof; and any company or individual accepting or executing such lease shall be and is empowered to exercise all the rights and privileges by this Act conferred.

48. It shall and may be lawful for any municipality through which the said railway passes and having jurisdiction in the premises, to pass a by-law or by-laws empowering the company to make their road and lay their rails along any of the highways within such municipality, and whether or not the same be in the possession or under the control of any joint stock company, and if such be either in the possession or under the control of any joint stock company, then, with the assent of such company, and it shall be lawful for the company to enter into and perform any such agreements as they may from time to time deem expedient, with any municipality, corporation or person for the construction or for the maintenance and repair of gravel or other public roads leading to the said railway.

Municipalities may by by-law allow company to lay its track on highways.

49. It shall and may be lawful for the company at any point where the railway or any branch thereof approaches within two miles of any navigable waters, to purchase and hold as its own absolute property, harbours with their appurtenances and franchises, wharves, piers, docks, water lots and lands; and upon the said water lots and lands and in and over the waters adjoining the same to build and erect elevators, storehouses, warehouses and engine houses, sheds, wharves, docks, piers and other erections for the use of the company and the steam and other vessels owned, worked or controlled by the company and any other steam or other vessels; and to collect wharfage and storage charges for the use of the same, and also to erect, build, repair and maintain all moles, piers, wharves and docks necessary and proper for the protection of such harbours and for the accommodation and convenience of vessels entering, leaving, lying, loading and unloading within the same; and to dredge, deepen and enlarge such harbours, and the said harbours, wharves, piers and docks, water lots, lands elevators, storehouses, warehouses, engine houses, sheds and other erections, or any thereof, or any portions thereof in its discretion to sell, lease or convey.

Power to purchase and hold harbours, etc.

50. It shall and may be lawful for the company to purchase, build, complete, fit out and charter, sell and dispose of, work and control, and keep in repair steam or other vessels, from time to time to ply on lakes, rivers and canals of this Province, in connection with the said railway; and also to make arrangements and agreements with steamboat and vessel proprietors, by chartering or otherwise, to ply on the said lakes, rivers and canals in connection with the said railway.

Power to purchase and work vessels in connection with the Railway.

51. For the purpose of constructing, working and protecting the telegraph lines to be constructed by the company on

Telegraph lines.

their line of railway, the powers conferred on telegraph companies by the Acts respecting electric telegraph companies, are hereby conferred upon the company, and the other provisions of the said Acts for the working and protection of telegraph lines shall apply to any such telegraph lines constructed by the company.

Power to pledge bonds.

52. The company may from time to time, for advances of money to be made thereon, mortgage or pledge any bonds, debentures or mortgage securities, which, under the provisions of this Act, can be issued for the construction of the said Railway 10 and its branches, or any of them.

Power to construct or equip line by contract.

53. It shall be lawful for the directors to enter into a contract, or contracts, with any individual, or association of individuals, for the construction or equipment of the line, or any portion thereof, including or excluding the purchase 15 of the right of way, and to pay therefor, either in the whole or in part, either in cash or bonds or in paid up stock; Provided that no such contract shall be of any force or validity till approved of by a majority of the shareholders, present in person or by proxy, at a meeting specially convened for con- 20 sidering the same.

Municipalities may make gifts of land for purposes of railway.

54. Any municipality through which the said railway may pass, is empowered to grant, by way of gift to the company, any lands belonging to such municipality which may be required for right of way, station grounds or other purposes, 25 connected with the running or traffic of the said Railway, and the company shall have power to accept gifts of land from any Government or any person or body politic or corporate.

Power of municipal councils to extend time for commencement and completion.

55. It shall and may be lawful for the council of any municipality which has granted or may grant a bonus or 30 bonus to the company, and such council is hereby empowered to extend the time for the commencement and for the completion of the construction of the said railway, or any part thereof, or any of the works, buildings or undertakings thereof, where such periods, or either or any of them, have been, or here- 35 after shall be fixed by a by-law or by-laws sanctioning the grant of such bonus or bonuses, whether such time shall have elapsed before the said council shall so extend the same or not, and whether such time shall have elapsed before the passing 40 of this Act or not.

Power to erect snow fences.

56. The company shall have the right, on and after the first day of November in each year, to enter into and upon any lands of Her Majesty, or into or upon any lands of any corporation or person whatsoever lying along the route or line of said railway, and to erect and maintain snow fences thereon, 45 subject to the payment of such damages (if any) as may be hereafter established, in the manner provided by law, in respect of such railway to have been actually suffered: Provided always that any such snow fences so erected shall be removed 50 on or before the first day of April following.

Lien of North Norwich preserved.

57. Nothing in this Act contained shall impair or affect the special lien of the corporation of the township of North Norwich, under the twenty-sixth section of the Act passed in the 50

thirty-seventh year of the reign of Her Majesty Queen Victoria, and chaptered fifty-seven.

58. The railway of the company shall be completed within seven years after the passing of this Act, but the failure of the company to complete or to finish and put in operation any part of the line of railway it has been authorized or empowered to construct within the time or times now or hereafter limited for such purpose, shall not operate as a forfeiture of its charter, and notwithstanding such failure the corporate existence and powers of the company shall continue, except in so far as it relates to such portion of the line of the railway authorized as shall be unfinished within the time limited, or which shall be limited for that purpose.

Time for completion extended, in default certain power continued.

59. All Acts relating to any of the Companies hereby amalgamated, in so far as they are inconsistent with this Act, are hereby repealed, and this Act shall be construed and considered as a consolidation of all the powers, privileges and rights of each of the companies hereby amalgamated, and an investment of the company therewith, so that however any powers, privileges and rights of either of the companies hereby amalgamated, and not inconsistent with this Act, even though not specially set out or referred to in this Act, shall be held, exercised and enjoyed by the company as if specially conferred hereby.

Repealing clause.

60. On or before the first day of June, A.D. 1881, the directors of the Georgian Bay and Wellington Railway Company shall call a general meeting of the shareholders of that company and the directors of the Port Dover and Lake Huron and of the Stratford and Huron Railway Companies shall, respectively, call a general meeting of the shareholders and bondholders of their respective companies, for the purpose of considering and, if approved, adopting the provisions of this Act; and, if, at each meeting the majority in value of such shareholders and bondholders present, in person or by proxy, resolves to adopt its provisions, the secretary of each company shall draw up and sign a certificate of the passing of such resolution by the meeting, affecting his company, which shall also be signed by the chairman of the meeting, and be forwarded to the Provincial Secretary, who, on receipt thereof, shall publish in the *Ontario Gazette* a notice that the provisions of this section have been complied with; and forthwith upon the publication of such notice, but not until then, the provisions of this Act preceding this section shall take effect and come into force and operation.

Meetings of the proprietors of the different lines amalgamated to be called for adoption of Act.

Notice to be published on adoption of Act to bring it into effect.

61. The directors of each company shall call the meeting of shareholders, or of shareholders and bondholders of their company in the preceding section mentioned, in the manner provided by law for calling general meetings of shareholders of their company; and the notice calling each such meeting shall state particularly that such meeting is called for the purpose of considering and if approved adopting the provisions of this Act.

Manner of calling meetings in preceding section mentioned.

62. The right of the company or any of the companies hereby amalgamated, in case the proposed amalgamation is never carried into effect, to receive the debentures by any by-law granting aid to any of the companies hereby amalgamated,

Right of company to debentures confirmed on commencement

conferred on telegraph companies, electric telegraph companies, company, and the other working and protection of such telegraph lines con-

to time, for advances of pledge any bonds, debentures under the provisions of section of the said Railway 10

to enter into a contract, or association of equipment of the line, including the purchase of either in the whole or in part; Provided that the consent of the holders, present in person or by proxy, shall be obtained for con-

said railway may be granted to the company, which may be used for other purposes, 25 of land from the said railway company.

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authorized, or their proceeds shall not be impaired by reason of failure to commence or complete the railway, or the portion thereof, or the branches, sidings or switches, in such by-law mentioned, within the period prescribed in such by-law, or any agreement made thereunder for commencement or completion: Provided the company or any of the companies hereby amalgamated commence the work in such by-law and agreement mentioned within two years, and complete the same within three years from the passing of this Act. 5

SCHEDULE "A."

Know all men by these presents that I (or we) (*insert the name or names of the vendors*), in consideration of _____ dollars paid to me (or us) by the Grand Trunk, Manitoulin, Georgian Bay and Lake Erie Railway Company, the receipt whereof is hereby acknowledged, do grant and convey, and I (or we) (*insert the name of any other party or parties*), in consideration of _____ paid to me (or us) by the said Company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (or those certain parcels, *as the case may be*) of land (*describe the land*), the same having been selected and laid out by the said Company for the purposes of its Railway, to hold with the appurtenances unto the said Grand Trunk, Manitoulin, Georgian Bay and Lake Erie Railway Company, its successors and assigns (*here insert any other clauses, conditions, and covenants required*), and I (or we), wife (or wives) of the said _____, do hereby bar my (or our) dower in the said lands. As witness my (or our) hand and seal (or hands and seals), this _____ day of _____, one thousand eight hundred and eighty _____.

Signed, sealed and delivered _____ [L.S.]
in presence of _____

SCHEDULE "B."

Chief Engineer's Certificate.

THE GRAND TRUNK, MANITOULIN, GEORGIAN BAY AND LAKE ERIE RAILWAY COMPANY'S OFFICE.

Engineering Department, A.D.
one thousand eight hundred and
eighty _____

No. _____

Certificates to be attached to cheques drawn on the Grand Trunk, Manitoulin, Georgian Bay and Lake Erie Railway and Municipal trust account.

I, _____, Chief Engineer for the Grand Trunk, Manitoulin, Georgian Bay and Lake Erie Railway Company do hereby certify that the sum of _____ dollars is required to be expended in the construction of the portion of the line extending from Mile No. _____ to Mile No. _____, and that payment should be made to the company of such amount from the Grand Trunk, Manitoulin, Georgian Bay and Lake Erie Railway and Municipal Trust Account, the same being in pursuance of the terms and conditions of the By-Law No. _____, of the municipality of the _____ of _____.

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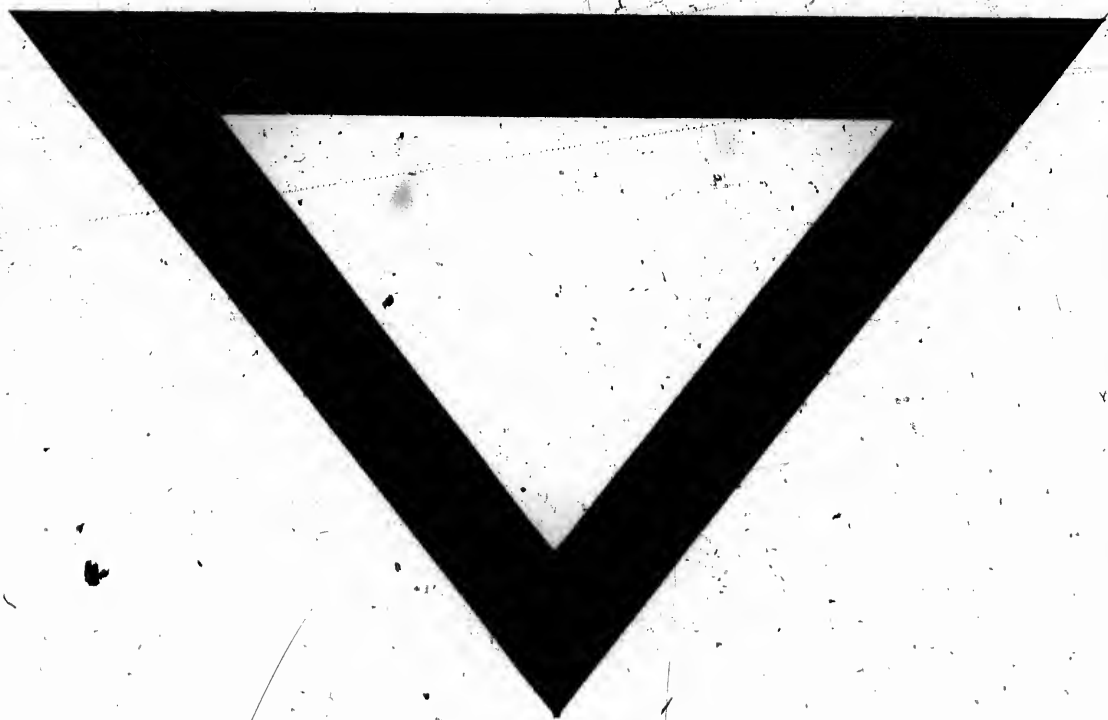
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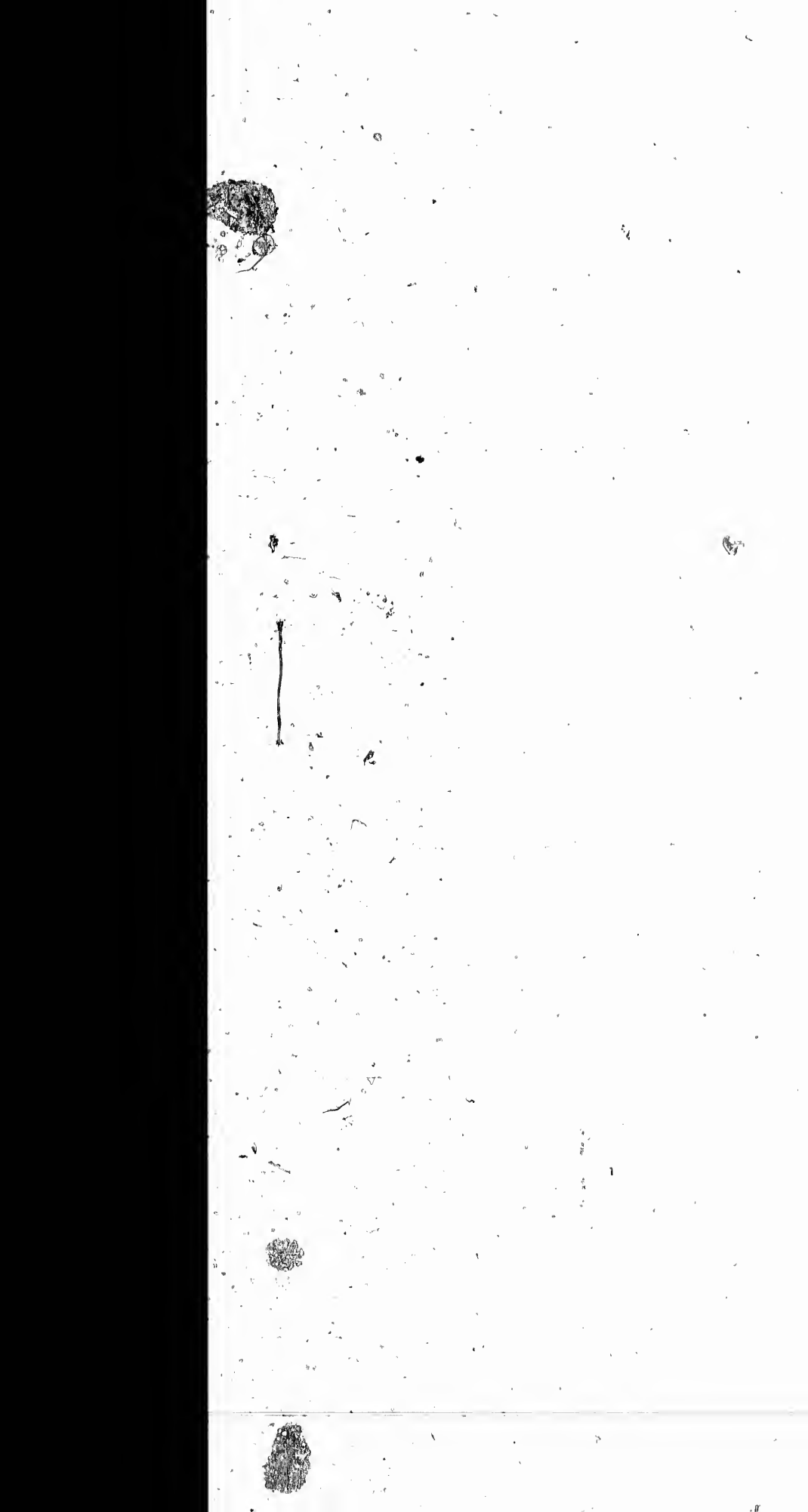
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