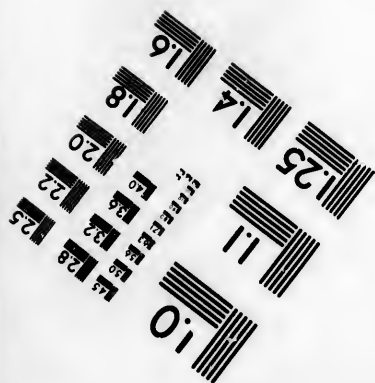
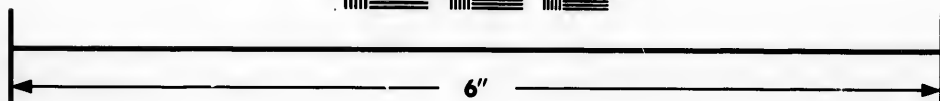
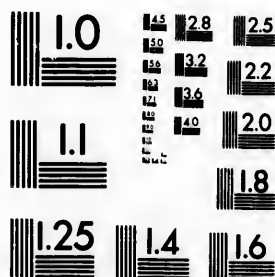


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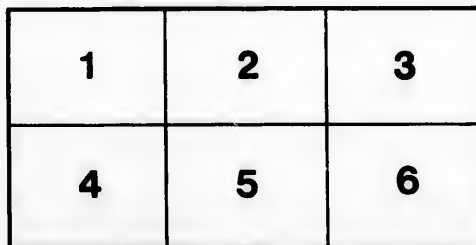
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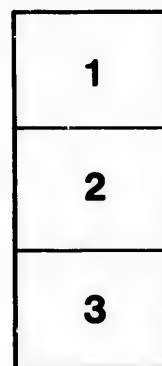
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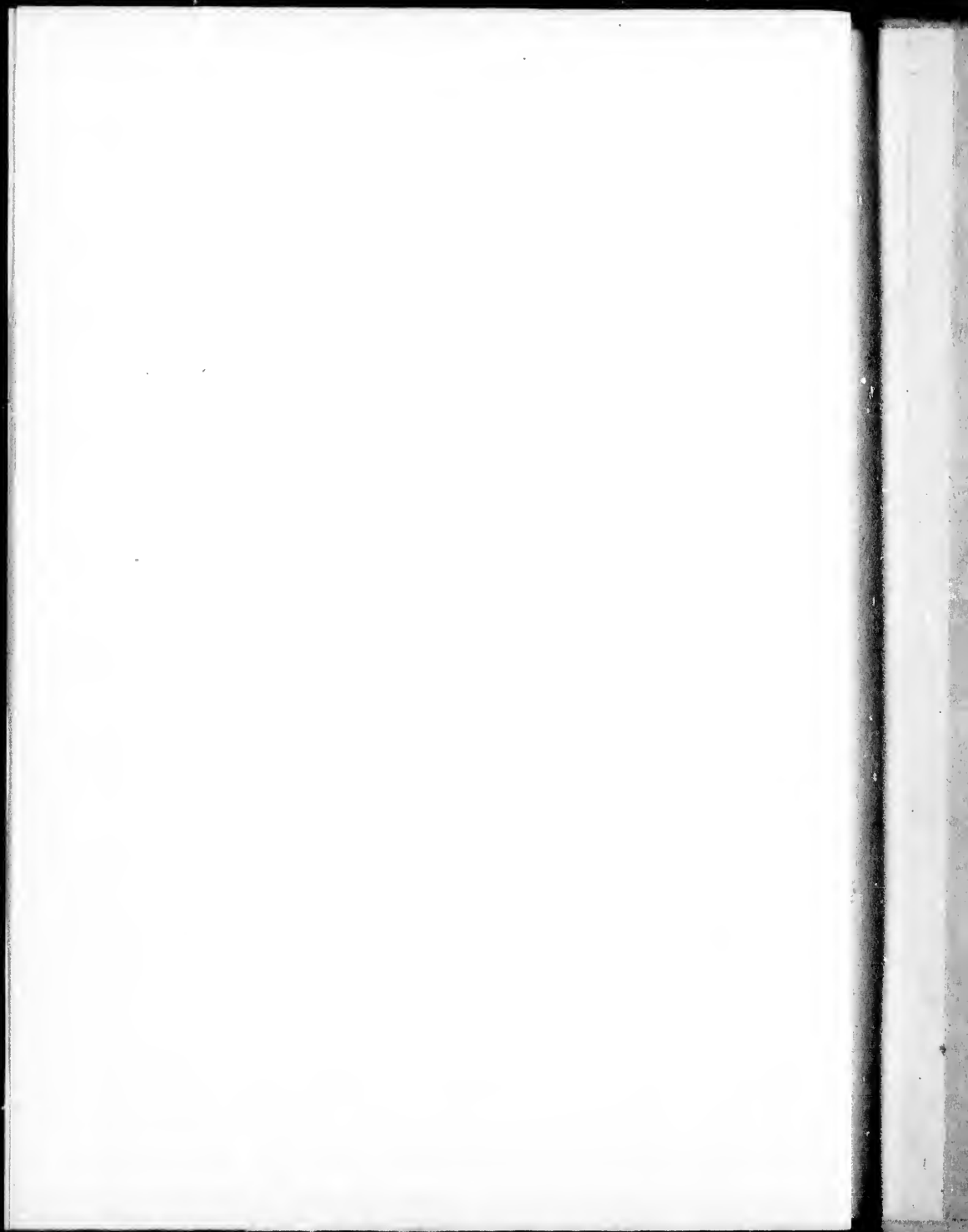
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H. Miller

ACTS

McRae

INCORPORATING THE
Great Western Railway Company,

WITH THE SEVERAL ACTS

AMENDING OR RELATING TO THE SAME:

AND ACTS

INCORPORATING CERTAIN OTHER COMPANIES,

OR RELATING TO THE SAME.

HAMILTON:

PRINTED AT THE SPECTATOR OFFICE, COURT-HOUSE SQUARE.

1854.

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1854

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AN ACT

TO INCORPORATE CERTAIN PERSONS, UNDER THE STYLE
AND TITLE OF THE

LONDON & GORE RAILROAD COMPANY.

PASSED 6TH MARCH, 1834.

WHEREAS certain Inhabitants of the District of London, and others, have petitioned for the passing of a law, incorporating a Joint Stock Company, for the purpose of constructing a single or double track, wooden or iron Railroad or way, commencing at the Town of London, in the London District, and extending to the Harbor of Burlington Bay, at the head of Lake Ontario, in the District of Gore, and also, to the navigable waters of the River Thames and Lake Huron; And, whereas it is expedient to incorporate a Joint Stock Company, for the purpose hereinafter mentioned; Be it, &c., That Edward Allan Talbot, Thomas Parke, George J. Goodhue, Allan Napier MacNab, Colin Campbell Ferrie, John M'Farlane, William Robertson, Thomas Gibbins, Lawrence Lawreison, Dennis O'Brien, John Scatchard, James Hamilton, Joseph Cowley, Nicholas Geffney, Joseph L. O'Dell, John O'Neil, James Farley, John Jennings, Harvey Sheppard, John Kent, Albert S. O'Dell, Henry Shennick, Hiram D. Lee, William B. Lee, Burley Hunt, Nathan Griffith, Andrew Drew, Robert Alway, Peter Carroll, Charles Duncombe, Thomas Horner, Oliver Turner, E. A. Spalding, George W. Whitehead, Peter Bamberger, Manuel Overfield, James M'Farlane, James Bell Ewart, Thomas J. Horner, Joseph Grier, G. W. Bremyer, Nathan Jacobs, Charles Goulding, Thomas U. Howard, Thomas J. Jones, James Ingersoll, John Young, John Weir, A. M'Donell, William Bull Sheldon, Ebenezer Stinson, Samuel Mills, Peter Hunter Hamilton, Abraham K.

Preamble.

Company
formed.

Company
a Body Cor-
porate.

See Sec. 2
of 8 Victoria,
Chap 86; Sec.
18 of 16 Vic.,
Chap 29.

May hold
Real Estate
for Railroad
purposes
only.

Company
empowered
to construct
Railroad be-
tween Lon-
don & Bur-
lington Bay,
to navigable
waters of ri-
ver Thames
and to Lake
Huron; for
transport of
passengers &
property.

Smith, Joseph Roleston, Thomas Taylor, Henry Carrol, Calvin Martin, James Ritchie, E. Jackson, Jedediah Jackson, Welcome Yale, Luke V. Spur, Ira Scofield, Mahlon Burwell, Andrew Miller, David Archibald MacNab, William Notman, Matthew Crooks, Oliver Tiffany, Plumer Burley, George T. Tiffany, Edward Vanderlip, William Case, A. Smith, John Law, and Miles O'Reilly, with all such other persons as shall become Stockholders in such Joint Stock or Capital, as is hereinafter mentioned, shall be, and are hereby ordained, constituted and declared to be a body corporate and politic, in fact, by and under, the name and style of "THE LONDON AND GORE RAIL ROAD COMPANY;" and by that name, they and their successors shall and may have continued succession; and by such name shall be capable of contracting and being contracted with; of suing and being sued, pleading and being impleaded; answering and being answered unto, in all courts and places whatsoever; in all manner of actions, suits, complaints, matters, and concerns, whatsoever; and they and their successors may and shall have a common seal, and may change and alter the same at their will and pleasure; and also, that they and their successors, by the same name of "THE LONDON AND GORE RAIL ROAD COMPANY," shall be, by law, capable of purchasing, having and holding, to them and their successors, any estate, real, personal or mixed, to and for the use of the said Company, and of letting, conveying, and otherwise departing therewith, for the benefit, and on account of the said Company, from time to time, as they shall deem necessary and expedient; provided always, nevertheless, that the real estate to be held by the said Company shall be only such as shall be required to be held by them for the purpose of making, using, and preserving the said Rail Road, and for objects immediately connected therewith.

II. And be it enacted, That the said Company and their agents or servants, shall have full power under this Act, to lay out, construct, make and finish a double or single iron or wooden Rail Road, or Way, at their own costs and charges, on and over any part of the country, lying between the town of London and Burlington Bay, and to the navigable waters of the River Thames, and also to Lake Huron; and to take, carry, and transport thereon passengers, goods and property, either in carriages used and propelled by the force of steam, or by the power of animals, or by any mechanical or other power, or by any combination of power, which the said Company may choose to employ.

III. And be it enacted, That the said Company are hereby empowered to contract, compound, compromise and agree with the owners or occupiers on any land, upon which they may determine to construct the said Rail Road, either by purchase of so much of the said land and privileges as they shall require, for the purposes of the said Company, or for the damages, which he, she, or they shall and may be entitled to receive of the said Company, in consequence of the said intended Rail Road being made and constructed in and upon his, her, or their respective lands; and in case of any disagreement between the said Company and the owner or owners, occupier or occupiers, as aforesaid, it shall and may be lawful from time to time, for each owner or occupier so disagreeing with the said Company, either upon the value of the lands and tenements of private privileges proposed to be purchased, or upon the amount of damages to be paid to them as aforesaid, to nominate and appoint one or more indifferent person or persons, and for the said Company to nominate an equal number of indifferent persons, who, together with one other person, to be elected by ballot, by the persons so named, shall be arbitrators, to award, determine, adjudge and order the respective sums of money, which the said Company shall pay to the respective persons entitled to receive the same, the award of the majority of whom shall be final; and the said arbitrators shall be and are hereby required to attend at some convenient place in the vicinity of the said intended Rail Road, to be appointed by the said Company after eight days notice given for that purpose by the said Company, then and there to arbitrate and award, adjudge and determine such matters and things as shall be submitted to their consideration by the parties interested, and that each arbitrator shall be sworn before some one of His Majesty's Justices of the Peace, in and for either of the said Districts of London or Gore, any of whom may be required to attend the said meeting for that purpose, well and truly to assess the damages between the parties, according to the best of his judgment. Provided always, that any award made under this Act shall be subject to be set aside on application to the Court of King's Bench, in the same manner, and on the same grounds as in ordinary cases of submission by the parties, in which case a reference may be again made to arbitration, as hereinbefore provided. *[This section is modified in regard to reference to arbitration by 9 Vic., Chap. 81, Section 26, and 16 Vic., Chap. 99, Sec. 5.]*

May contract for lands or for damage done.
See 9 Vict., Chap 81, Sec. 26.

Arbitrators appointed;

Their duties &c.

Award subject to jurisdiction of King's Bench

Compensation awarded shall be paid within 8 months, or property may be resumed.

IV. And be it enacted, That whatever sum of money may be finally awarded to any person or persons, for compensation for property required to be occupied, or for damages occasioned by the interference of the said Company, with his, or their property, rights or privileges, shall be paid within three months from the time of the same being awarded; and in case the said Company shall fail to pay the same within that period, then their right to assume any such property; or commit any act, in respect of which such sum of money was awarded, shall wholly cease, and it shall be lawful for the proprietor to resume his occupation of such property: and to possess fully his rights and privileges in respect thereof, free from any claim or interference from the said Company.

Company empowered to explore country along intended line of road, and appropriate & hold land necessary for their rail road.

Make roads, &c.

And alter and enlarge the same for general purposes.

V. And be it enacted, That the said London and Gore Rail Road Company, shall have full power and authority to explore the country lying between the town of London, in the London District, and Burlington Bay; and also lying between the said town of London and the navigable waters of the River Thames; and also, between the said Town of London and Lake Huron, and to designate and establish, and for the said Company to take, appropriate, have and hold, to and for the use of them and their successors, the line and boundaries of a double or single Rail Road, with their necessary Rail Ways, to connect the town of London, in the London District, with Burlington Bay, the navigable waters of the River Thames, and also Lake Huron; and for the purpose aforesaid, the said Company, their agents, servants and workmen, are hereby authorised and empowered to enter into and upon the lands and grounds of or belonging to the King's Majesty, his heirs or successors, or to any other person or persons, bodies politic or corporate, and to survey and take level of the same, or any part thereof; and to let out and ascertain such parts thereof as they shall think necessary and proper for making the said double or single Rail Road, and all such matters and conveniences as they shall think proper and necessary for making, effecting, preserving, improving, completing and using on the said intended Rail Road, and also to make, build, erect, and set up, in and upon the route of the said Rail Road, upon the lands adjoining, or near the same, all such works, ways, roads, and conveniences as the said company shall think requisite and convenient for the purpose of the said Rail Road; and also, from time to time, to alter, repair, amend, widen, or enlarge the same, or any other of the conveniences above mentioned, as well for carrying or

conveying goods, commodities, timber, and other things, to and from the said Rail Road—as for the carrying or conveying of all manner of materials necessary for making, erecting, furnishing, altering, repairing, amending, widening, or enlarging the works of or belonging to the said Rail Road; and also, place, lay, work, and manufacture the said materials on the ground near to the place or places where the said works, or any of them are, or shall be intended to be made, erected, repaired, or done; and to build and construct the several works and erections belonging thereto; and also, to make, maintain, repair and alter any fences or passages under or through the said Rail Road, or which shall communicate therewith; and to construct, erect and keep in repair any piers, arches, or other works, in and upon, and across any rivers or brooks, for making, using, maintaining, and repairing the said Rail Road and side-paths; and also to construct, make, and do all other matters and things which they shall think necessary and convenient for the making, effecting, preserving, improving, completing, and using the said Rail Road, in pursuance, and in the true meaning of this Act, they the said Company, doing as little damage as may be in the execution of the several powers to them hereby granted, and making satisfaction in manner herein mentioned, for all damages to be sustained by the owners or occupiers of such lands tenements, and hereditaments.

VI. 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 transportation of property or persons, on the single or double Rail Road or Way aforesaid, hereby authorized to be constructed, erected, built, made and used.

President
and Directors
to establish
and regulate
tolls.

VII. And be it enacted, That the said double or single Rail Road or Way, and all materials which shall be from time to time, got or provided for constructing, building, maintaining, or repairing the same, and the said tolls on goods, wares and merchandise, or passengers as hereinbefore mentioned, shall be, and the same are hereby vested in the said Company, and their successors for ever.

Railroad
and tolls
vested in the
Company.

VIII. And be it enacted, That so soon as the double or single iron or wooden Rail Road or Way shall be so far completed, as to be capable of being used for the transportation of property or passengers, the said Company shall have full power and authority to ask for, demand, receive, recover, and take the tolls or dues, to and for their own proper use and benefit,

Tolls
payable.

on all goods, merchandise and passengers, using or occupying the said double or single iron or wooden Rail Road or Way, or any other convenience, erection, or improvement, built, occupied, or owned by the said Company, to be used therewith; and shall have power to regulate the time and manner in which goods and passengers shall be transported, taken, and carried on the same, as well as the manner of collecting all tolls and dues on account of transportation and carriage, and shall have power to erect and maintain such toll-houses and other buildings for the accommodation and proper transaction of their business, as to them may seem necessary.

Company] may construct their Railroad across any stream or watercourse highway, &c.

See Section 4, of 16 Vic. Chap. 99.

IX. And be it enacted, That whenever it shall be necessary for the construction of their single or double Rail Road or Way, to intersect or cross any stream of water, or water course, or any road or highway, lying on the route of the said Rail Road or Way, between the Town of London, in the London District, and Lake Ontario, it shall be lawful for the Corporation to construct their single or double Rail Road or Way across or upon the same: provided that the Corporation shall restore the stream or water course, or road or highway, thus intersected, to its former state, or in a sufficient manner not to impair its usefulness; and shall moreover erect and maintain, during the continuance of this Corporation, sufficient fences upon the line of the route of their single or double Rail Road or Way.

Persons willfully injuring the works to forfeit double the amount of damage done.

X. And be it enacted, That if any person or persons shall wilfully do, or cause to be done any act or acts whatever, whereby any building, construction, or work of the said Corporation, or any engine, machine, or structure, or any matter or thing appertaining to the same, shall be stopped, obstructed, impaired, weakened, injured, or destroyed, the person or persons so offending, shall forfeit and pay to the said Corporation, double the amount of damages sustained by means of such offence or injury, to be recovered in the name of the said Corporation, by action of debt, to be brought in any court of Record in this Province.

Company not to encroach on private rights without consent of owners.

XI. And be it enacted, That the said Company, or their agents or servants, at any time after the passing of this Act, under and by virtue of its provisions, shall and may construct, erect and build, and furnish a double or single iron or Wooden Rail Road or Way as aforesaid, on any part or portion of the country lying between the Town of London aforesaid, and Burlington Bay, the navigable waters of the River Thames and Lake Huron; and also that the said Rail

Road or Way contemplated by this Act, shall not in any degree interfere with, or encroach on any fee simple, right or private easement or privilege of any individual now holding and enjoying the same, or entitled thereto, without the permission first had and obtained either by the consent of the owner thereof, or by virtue of reference authorised by this Act.

XII. And be it enacted, That the property, affairs and concerns of the said Company, shall be managed and conducted by seven Directors, one of whom shall be chosen President, who shall hold their offices for one year, which said directors shall be Stockholders to the amount of at least ten shares, and be elected on the first Monday in June, in each and every year, at London at such time of the day as a majority of the Directors for the time being shall appoint; and public notice thereof shall be given in any Newspaper or Newspapers that may be published in the said Districts of London and Gore, at least one month previous to the time of holding the said election, and the said election shall be held and made by such of the Stockholders of the said Company, as shall attend for that purpose, in their own proper persons, or by proxy; and all elections for such Directors shall be by ballot, and the seven persons who shall have the greatest number of votes at any election shall be Directors, and if it shall happen at any such election that two or more have an equal number of votes, in such a manner that a greater number of persons than seven shall, by a plurality of votes, appear to be chosen Directors, then the said stockholders hereinbefore authorised to hold such election, shall proceed to elect, by ballot, until it is determined which of the said persons so having an equal number of votes, shall be Director or Directors, so as to complete the whole number of seven and; the said Directors so chosen, as soon as may be, after the said election, shall proceed in like manner, to elect by ballot, one of their number to be President, and if any vacancy or vacancies shall at any time happen among the Directors, by death, resignation or removal from the Province, such vacancy or vacancies shall be filled for the remainder of the year in which they may happen, by a person or persons to be nominated by a majority of the Directors. [This section is amended by Act 9 Vic., Chap. 81. S. 82 changing place for holding Elections for Directors, and 12 Vic. chap. 156; S. 6 altering number of Directors from 6 to 11.]

XIII. And be it enacted, That each Stockholder shall be

Company
to be managed
by seven
Directors.
See 9 Vic.,
Chap. 81.
Sec. 83.

Votes according to No.
of Shares.

Votes according to No.
of Shares.

entitled to the number of votes proportioned to the number of shares which he or she shall have held in his or her own name at least one month prior to the time of voting, according to the following rates, that is to say—one vote for each share not exceeding four, five votes for six shares, six votes for eight shares, seven votes for ten shares, and one vote for every five shares above ten.

[*This Section amended by 12th Vic., Chap. 156, Sec. 5, giving one vote for each share.*]

Corporation not dissolved by non-election of Directors on day appointed.

XIV. And be it enacted, That in case it should at any time happen that an election of Directors should not be made on any day, when pursuant to this Act it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved, but it shall and may be lawful on any day to hold and make an election of Directors in such manner as shall have been regulated by the bye-laws and ordinances of the said corporation.

Directors empowered to make By-Laws and appoint officers.

XV. And be it enacted, That the Directors for the time being, or a majority of them, shall have power to make and subscribe such rules and regulations as to them shall appear needful and proper, touching the management and disposition of the stock, property, estate and effects of the said Company, and touching the duty of the officers, clerks and servants, and all such other matters and things as appertain to the business of the said Corporation, and shall also have power to appoint as many officers, clerks, and servants for carrying on the said business, with such salaries and allowances as to them shall seem fit.

XVI. And be it enacted, That on the first Monday in the month of April next, a Meeting of the Stockholders shall be held at London, who in the same manner as hereinbefore provided, shall proceed to elect seven persons to be Directors, who shall elect by ballot one of their number to be their President, and shall continue in office until the first Monday in June after their election, and who, during such continuance, shall discharge the duties of Directors in the same manner as if they had been elected at the annual election: Provided always, that if shares to the amount of twenty-five thousand pounds of the Capital Stock of the said Company shall not be taken, then the said meeting shall not be held until that amount of Stock shall have been taken up, and at least thirty days notice thereof given in any paper or papers published in the Districts of London and Gore. [Repealed 8 Vict. chap. 86.]

XVII. And be it enacted, That the whole Capital Stock of the said Company, inclusive of any Real Estate which the Company may have or hold by virtue of this Act, shall not exceed in value One Hundred Thousand Pounds, with a privilege to the said Company of extending the amount of such capital to the sum of Two Hundred Thousand Pounds, in the event of the extension of the works to the navigable waters of the River Thames or to Lake Huron; and that such capital or Stock of one hundred thousand pounds, or two hundred thousand pounds, (if increased) be held in eight thousand, or sixteen thousand shares, of twelve pounds ten shillings each; and that the shares of the Capital Stock may after the first instalment thereon shall have been paid, be transferred by the respective persons subscribing and holding the same, to any other person or persons, and such transfer shall be entered and registered in a book or books to be kept for that purpose by the said Company: Provided always, that nothing herein contained shall extend to authorise the said Company to carry on the business of Banking.

[Repealed 8 Vict. chap. 86.]

XVIII. And be it enacted, That so soon as Directors have been appointed as aforesaid it shall and may be lawful for them to call upon the Stockholders of the said Company, by giving thirty days notice thereof in any newspaper published in the aforesaid Districts of London and Gore, for an instalment of five per cent. upon each share which they or any of them may respectively subscribe, and that the residue of the sum or shares of the stockholders shall be payable by instalments in such time and in such proportions as a majority of the stockholders at a meeting to be expressly convened for that purpose shall agree upon, so as no such instalments shall exceed five per cent., nor become payable in less than thirty days after public notice in the newspapers as aforesaid; provided always that the said Directors shall not commence the construction of the said Rail Road or Way, until the first instalment shall be paid in.

A call of 5 per cent may be made at 30 day's notice.

XIX. And be it enacted, That if any Stockholder or Stockholders aforesaid shall refuse or neglect to pay at the time required, any such instalment or instalments, as shall be lawfully required by the Directors as due upon any share or shares, such stockholder or stockholders so refusing or neglecting shall forfeit such share or shares as aforesaid, with any amount which shall have been previously paid thereon, and that the said share or shares may be sold by the said

Shares forfeited by non-paym't. of any instalment.

Directors, and any sum arising therefrom, together with the amount previously paid thereon, shall be accounted for, and applied in like manner as other monies of the said company. Provided always, that the purchaser or purchasers shall pay the said company the amount of the instalment required, over and above the purchase money of the share or shares so purchased by him, her or them as aforesaid, immediately after the sale and before they shall be entitled to the certificate of the transfer of such shares so purchased as aforesaid. Provided always that thirty days notice of the sale of such forfeited shares shall be given in any newspaper or newspapers published in the London or Gore Districts, and that the instalments due may be received in redemption of any such forfeited share at any time before the day appointed for the sale thereof.

Annual dividends of profits to be made.

XX. And be it enacted, That it shall be the duty of the Directors to make annual dividends of so much of the profits of the said Company as to them or a majority of them shall seem advisable, and that once in each year an exact and particular statement shall be rendered of the state of their affairs, debts, credits, profits and losses, such statement to appear on the books, and to be open to the perusal of any stockholder at his or her reasonable request.

Public Act.

XXI. And be it enacted, That this Act shall be deemed and taken to be a public Act, and as such shall be judicially noticed by all Judges, Justices of the Peace and other persons without being specially pleaded.

Power of His Majesty to assume possession. &c.

XXII. And be it enacted, That at any time after forty years after the making and completing the said Rail Road or Way, His Majesty His Heirs and Successors may assume the possession and property of the same, and of all and every the works and dependencies thereto belonging, upon paying to the said company, for the use of the stockholders thereof, the full amount of their respective shares, or of the sums furnished and advanced by each subscriber towards the making and completing the said double or single Iron or Wooden Rail Road or Way, together with such further sum as will amount to twenty per cent., upon the monies so advanced and paid as a full indemnification to such company, and the said double or single Iron or Wooden Rail Road or Way, shall from the time of such assumption in manner aforesaid, appertain and belong to His Majesty, His Heirs and Successors, who shall from thenceforth be substituted in the place and stead of the said Company, upon the conditions and subject to the provisions of any act of the Legislature of this

Province that may be passed respecting the same; provided always that it shall not be lawful for His Majesty, His Heirs or Successors, at any time after the expiration of the said forty years, to assume the possession and property of the said Rail Road or Way, with their appurtenances as aforesaid, unless it shall appear from the accounts of the said Company to be for that intent laid before the Legislature, that the Stockholders of the said Company have received every year upon an average the sum of twelve pounds and ten shillings for every one hundred pounds they shall be possessed of in the said concern.

XXIII. And be it enacted, That from and after the period when the possession of the right, interest and property in and to the said double or single Iron or Wooden Rail Road or Way shall have been assumed by His Majesty, His Heirs and Successors as herein before authorised, all tolls and profits arising therefrom shall be paid into the hands of His Majesty's Receiver General to and for the public uses of this Province, at the disposal of the Legislature thereof, and shall be accounted for to His Majesty, His Heirs and Successors, through the Lords Commissioners of His Majesty's Treasury, in such manner and form as His Majesty, His Heirs and Successors shall be graciously pleased to direct; provided always, that the said double or single Iron or Wooden Rail Road or Way shall be commenced within two years after the passing of this Act, and finished from the town of London to Burlington Bay within ten years, and from the said Town of London to the navigable waters of the River Thames and to Lake Huron in twelve years, otherwise this Act and every matter and thing herein contained shall cease and be utterly null and void.—(Modified by renewed Charter.)

XXIV. And be it enacted, That this Act shall not be construed to give any power to the said Company to erect ways or works of any description upon or over either the Grand River or River Thames, so as to interfere in any manner with the free use and navigation thereof.

(This Section modified by subsequent Acts.)

XXV. And be it enacted, That notwithstanding the privileges hereby conferred, the Legislature may at any time hereafter make such addition to this Act, or such alteration of any of its provisions as they may think proper for affording just protection to the public or to any person or persons, body politic or corporate, in respect to their estate, property or rights, or any interest therein, or an advan-

After in possession by the Crown, tolls to be paid to Rec. General, &c.

Company's works on Grand River not to interfere with its navigation.

This Act may be modified by the Legislature.

tags, privilege or convenience connected therewith, or in respect to any way, or right of way, public or private, that may be effected by any of the powers given by this Act.

Limitation
of Action.

XXVI. And be it enacted, That if any Action or Suit shall be brought against any person or persons, for any matter or thing done in pursuance of this Act, such Action or Suit shall be brought within six calendar months next after the fact committed, and not afterwards: and the Defendant or Defendants in such Action or Suit, may plead the general issue only, and give this Act, and the special matter in evidence on the trial.—
(See 18 Vic., Chap. 99, Sec. 10.)

8TH VICTORIA, CHAP. 86.

AN ACT

TO REVIVE CERTAIN PROVISIONS OF THE ACT
INCORPORATING THE

GREAT WESTERN RAILROAD COMPANY :

AND TO ENABLE THEM TO CARRY ON THAT WORK.

[PASSED 29th MARCH, 1845.]

WHEREAS it is expedient to revive, with certain excep- Preamble
tions and amendments, the Act of the Legislature of Upper
Canada, passed in the fourth year of the Reign of His late
Majesty King William the Fourth, and intituled, "*An Act
to incorporate certain persons under the style and title of 'The
London and Gore Rail Road Company,'*" Be it therefore enacted,
&c., That the said Act passed in the fourth year of the Reign
of His late Majesty King William the Fourth, and intituled
"*An Act to incorporate certain persons under the style and
title of 'The London and Gore Rail Road Company,'*" shall
be and is hereby revived, and shall be in full force and effect
as if the several provisions thereof were herein repeated and
re-enacted, subject to the provisions hereinafter made: Pro-
vided always, that the sixteenth, seventeenth and twenty-sixth
sections of the said Act, and so much of the twenty-third
section or of any other part thereof, as limits the duration of
the said Act, or as assigns the corporate name of the Com-
pany thereby established, or is in any way inconsistent with
or repugnant to the provisions of this Act, shall not be so
revived but shall be and remain repealed.

II. And be it enacted, That notwithstanding any thing in Name of the
Company.
the said Act, the corporate name of the company to be con-
stituted under the authority thereof shall be "*The Great
Western Railroad Company,*" by which name, instead of
"*The London and Gore Railroad Company,*" the said Com-
pany shall have and exercise the privileges granted by the
said Act or by this Act.

Powers of
Company
extended to
certain other
lines of
road.

III. And be it enacted, That notwithstanding as aforesaid, the said Company shall have full power to make or continue their Rail Road, from the Town of London to Point Edward at the foot of Lake Huron, and to the Detroit River, and to any point on the Niagara River, and that they may contract, compound, compromise and agree with the owners or occupiers of any lands upon which they may determine to construct such Rail Road, either for the purchase of so much of the said lands and privilege as they shall require, or for any damage done either to or by the said Company, in the same manner as is provided by the Act hereby revived in cases of the same kind.

Capital
Stock.

See 10 Vic,
Chap. 99, Sec
1.

IV. And be it enacted, That notwithstanding as aforesaid, the whole capital stock of the said Company inclusive of any Real Estate which the said Company may have or hold by virtue of the Act hereby revived or of this Act, may be equal to, but shall not exceed one million five hundred thousand pounds, currency, to be held in 60,000 shares of £25 each; and that the shares of the Capital Stock may, after the first instalment thereon shall have been paid, be transferred by the respective persons subscribing and holding the same to any other person or persons, and such transfer shall be entered and registered in a book or books to be kept for that purpose by the said Company; Provided always, that nothing herein contained shall authorize the said Company to act as Bankers or in any way to carry on or use the business of Banking.

Election of
Directors.

See 9 Vic.,
Chap 81, Sec.
82.

V. And be it enacted, That on the first Monday in February next, a meeting of the Stockholders of the said Company shall be held at London, at which meeting such Stockholders shall proceed in the manner provided by the Act hereby revived, to elect seven persons to be Directors, who shall elect by ballot one of their number to be their President, and shall continue in office until the first Monday in June after their election, and who, during such continuance, shall discharge the duties of Directors in the same manner as if they had been elected at the annual election; Provided always, that if on the said first Monday in February next, shares to the amount of £25,000 in the Stock of the said Company be not taken up, or if for any other cause the said meeting be not then held, then the first meeting shall not be held until the said amount be taken up, and at least thirty days notice thereof given in any newspaper published in the Districts of London and Gore,—but at whatever time such

first meeting shall be held, the Directors elected thereat shall remain in office until the first Monday in June next thereafter.

VI. And be it enacted, That the Rail Road which the said Company are authorised to make by this Act and by the Act hereby revived, shall be commenced within four years of the passing of this Act, otherwise this Act and every matter and thing therein contained shall cease and be utterly null and void,—and the several lines of Rail Road which the said Company are authorised to make as aforesaid shall be respectively completed and fit for public use within twenty years from the passing of this Act, otherwise this Act shall cease to have force and effect with regard to all such lines or parts of lines as shall not then be completed as aforesaid, but shall remain in force with regard to such lines or parts of lines as shall be then so completed and in use.

Railroad to be commenced in four years from passing this Act.

VII. And be it enacted, that the provisions of the twenty-fifth section of the Act hereby revived, shall apply to this Act and to the privileges hereby granted, as well as to the said Act and to the privileges granted by the same.

Provisions of 25th sec. in former act revived.

VIII. And be it declared and enacted, That except this Act and so much of the Act herein first above cited as is hereby revived, all other Acts and parts of Acts relative to *The London and Gore Rail Road Company*, or to *The Great Western Rail Road Company*, and more especially the Act of the Legislature of Upper Canada, passed in the seventh year of the Reign of His late Majesty King William the Fourth, intituled "*An Act to alter and amend the Act incorporating sundry persons under the name of the London and Gore Railroad Company, and to grant them a sum of money by way of Loan,*"—and the Act of the said Legislature passed in the same year of the same Reign, and intituled "*An Act to provide for the payment in certain cases, of the Interest on the Loan for the construction of the Great Western Rail Road,*"—and so much of the Act of the said Legislature passed in the same year of the same Reign and intituled, "*An Act to make further provision respecting the affording public aid to the Great Western Rail Road, and the Toronto and Lake Huron Rail Road, and for other purposes therein mentioned,*" as relates to the said Great Western Rail Road, are and shall be null and void, and of no force or effect whatsoever.

9TH VICTORIA, CHAP. 81.

AN ACT

TO ALTER AND AMEND THE CHARTER OF THE
GREAT WESTERN RAILROAD COMPANY.

[PASSED 9TH JUNE, 1846.]

Preamble

Act of U. C.
4 Wm. 4 c.
29-1834 cited

Act of Canada,
6 Vict. c.
86, cited.

The said
Acts in so far
as inconsistent
with this
Act repealed

WHEREAS by an Act passed by the Legislature of Upper Canada, in the fourth year of the Reign of his late Majesty King William the Fourth, intituled, *An Act to incorporate certain persons under the style and title of the London and Gore Rail Road Company*, several persons were incorporated under such style and title, for making and maintaining the said Rail Road, with power to raise a capital by subscription for that purpose; And whereas by another Act passed by the Legislature in the eight year of the Reign of Her present Majesty, intituled, *An Act to revive certain provisions of the Act incorporating the Great Western Rail Road Company, and to enable them to carry on that work*, the corporate name of the said Company was changed to that of *The Great Western Rail Road Company*, and further powers were granted to them with reference to the said undertaking, and it was thereby enacted that the capital of the said Company might be equal to, but should not exceed one million five hundred thousand pounds, currency, to be held in sixty thousand shares of twenty-five pounds, currency, each; And whereas five thousand only of the said sixty thousand shares authorized to be created as aforesaid have been subscribed for by persons resident in Canada, and the remaining fifty-five thousand of the said sixty thousand shares have been subscribed for by persons resident in Great Britain; And whereas it is expedient that the said recited Acts should be altered in the manner hereinafter mentioned for the purpose of affording a just and proper protection to the English Shareholders of the Company in respect of their shares therein: Be it therefore enacted, That the provisions of the said recited Acts so far as

they are inconsistent with this Act and the provisions herein contained, shall be, and the same are hereby repealed.

II. And be it enacted, That the persons who are for the time being to be considered the English Shareholders of the Company, and the shares in respect of which they are respectively to be considered such Shareholders, shall be distinguished in the manner hereinafter mentioned from the persons who are for the time being to be considered the Canadian or other Shareholders of the Company, and the shares in respect of which they are respectively to be considered such Shareholders. *[Repealed.]*

How English Shareholders shall be distinguish'd from Canadian or other Shareholders.

III. And be it enacted, That William James Chaplin, Charles Devaux, Henry John Enthoven, Abel Lewis Gower, George Hudson, Samuel Laing, John Masterman, John Moss, Thomas Smith, Matthew Uzielli, and Gregory Seale Walters, or such other persons not exceeding eleven in number as shall from time to time be appointed in such manner as shall be agreed upon by the English Shareholders, shall form and be a Corresponding Committee in London, and shall have and exercise such authority and control as is hereinafter mentioned in and over the management of the affairs of the Company for the protection of the interest of the English Shareholders. *[Repealed.]*

Certain persons to form Corresponding Committee in London.

IV. And be it enacted, That it shall be lawful for the Corresponding Committee to have an office in London, with a Secretary, and such establishment as shall be requisite for enabling them to discharge the functions of their office; and all the expenses of the said office and Secretary, and of such establishment as aforesaid, and all expenses which shall be incurred by the Corresponding Committee in any wise relating to the affairs of the Company shall be paid out of the general funds of the Company, but such expenses shall be regulated by all reasonable economy. *[Repealed.]*

Corresponding Committee to have an office and Secretary in London.

Expenses allowed.

V. And be it enacted, That such a yearly sum as a General Meeting of the Company shall from time to time direct, but not less than five hundred pounds, nor more than one thousand five hundred pounds, in any one year, shall be set apart and paid out of the general funds of the Company as a remuneration to the members of the Corresponding Committee for their time and labour in attending to the affairs of the Company, and shall be divided amongst such members in such manner as they shall agree upon. *[Repealed.]*

A certain yearly sum to be set apart as a remuneration to members of Corresponding Committee.

Changes in Corresponding Committee to be certified to the Directors of the Company in Canada.

VI. And be it enacted, That when and so often as any change shall take place as to the persons who shall for the time being form the Corresponding Committee, such change shall be certified to the Directors of the Company in Canada by some writing to be signed by three of the persons who shall have formed the Corresponding Committee immediately previous to such change taking place, and the persons who shall from time to time be certified in manner aforesaid to be the members forming the Corresponding Committee, shall be considered and treated as such Committee by the Directors of the Company in Canada. [*Repealed.*]

Names and places of residence of subscribers in Great Britain to be entered in a book kept for that purpose.

VII. And be it enacted. That the Corresponding Committee shall cause the names and places of residence of the persons who have subscribed for the said fifty-five thousand shares in the Company so subscribed for by persons resident in Great Britain as aforesaid, and the number of shares belonging to each of such subscribers, and the proper number of each share, to be entered in a book to be kept by the Corresponding Committee for that purpose, and to be called "The English Share Register Book," and shall from time to time cause entries or alterations to be made in such book, as the transfer of transmission of shares in the Capital of the Company and other circumstances shall make it necessary, in order that the same book may at all times shew who are for the time entitled to the rights of, and are to be considered as the English Shareholders of the Company, and in respect of what shares they are to be considered such Shareholders; and copies of the same book and of the entries or alterations which shall from time to time be made therein as aforesaid, shall be signed by three of the members of the Corresponding Committee and be regularly transmitted to the Directors of the Company in Canada, and the persons who shall thereby appear to be for the time being the English Shareholders of the Company in respect of the shares thereby appearing to be held by them respectively, shall be considered and treated by the Directors as being the English Shareholders in respect of such shares, and the Directors of the Company in Canada shall at all times keep a separate and distinct Register of such English Shareholders and of the shares which may for the time being be held by them respectively, so as to distinguish the English Shareholders of the Company and the shares which may for the time being be held by them respectively, from the other or Canadian Shareholders of the Company and the shares

Copies to be sent to Canada.

Persons named there in to be deemed English Shareholders.

Canadian Directors also to keep a Register.

which may for the time being be held by them respectively.
[*Repealed.*]

VIII. And be it enacted, That it shall be lawful for any person who shall for the time being be an English Shareholder of the Company in respect of any share or shares, if he shall so desire, to become a Canadian Shareholder in respect of such share or shares, instead of being an English Shareholder in respect thereof, and upon such shareholder giving notice to the Corresponding Committee of such desire, the Corresponding Committee shall, as soon as conveniently may be, transmit such notice to the Directors of the Company in Canada, and the Corresponding Committee and the said Directors, respectively, shall thereupon and they are hereby required to make such entries or alterations in the Share Register Books to be kept by them respectively, as shall be necessary for the purpose of shewing the change which shall have taken place in respect of such share or shares; and it shall be lawful for any person who shall for the time being be a Canadian Shareholder in the Company in respect of any share or shares, if he shall so desire, to become an English Shareholder in respect of such share or shares, instead of being a Canadian Shareholder in respect thereof, and upon such Shareholder giving notice to the Directors of the Company in Canada of such desire, the Directors shall, as soon as conveniently may be, transmit such notice to the Corresponding Committee, and the said Directors and the Corresponding Committee, respectively, shall thereupon and they are hereby required to make such entries or alterations in the Share Register Books to be kept by them, respectively, as shall be necessary for the purpose of shewing the change which shall have taken place in respect of such share or shares: Provided always, and be it enacted, That until such entries or alterations as aforesaid shall be made in the said Share Register Books both by the Directors of the Company in Canada and the Corresponding Committee, every English Shareholder desiring to become a Canadian Shareholder in respect of any share or shares, and every Canadian Shareholder desiring to become an English Shareholder in respect of any share or shares, shall be considered and treated as being a Shareholder in respect of such share or shares of that class to which he shall have appeared to belong according to the said Share Register Books immediately before he shall have given such notice as aforesaid.
[*Repealed.*]

Any English Shareholder may become a Canadian Shareholder and how.

And any Canadian Shareholder may become an English Shareholder

Proviso: Such changes not to take effect until registered.

Company in
Canada not
to do certain
Acts without
confirmation
of Cor-
responding
Committee.

IX. And be it enacted, That it shall not be lawful for the Directors of the Company in Canada, without the confirmation of the Corresponding Committee, to do any act, matter or thing in the management by them of the affairs of the Company in any of the following particulars, that is to say:

First. Contracts where the subject matter shall be of the amount or value of £10,000 sterling or upwards.

Secondly. Appointments or employments where the salary or remuneration shall be at the rate of £150 sterling a year or upwards.

Thirdly. The fixing of the Rates of Tolls and Fares, and all general alterations therein.

Fourthly. The forfeiture of Shares of English Shareholders.

Fifthly. Extensions or alterations of the line of the Railroad, and all other extensions or alterations in the nature of the undertaking.

Sixthly. Applications to the Legislature for any alteration in the Company's Acts or any of them.

Seventhly. The amount of, or any alteration in the times of making dividends.

Eighthly. Alterations in the amount or constitution of the Capital of the Company.

Ninthly. The contracting, discharging or altering the terms of any permanent loan to be made by or to the Company.

Tenthly. Any other matters as to which such confirmation as aforesaid, may at any time or times be found necessary or expedient for the protection of the English Shareholders, and which may from time to time be agreed upon between the Directors of the Company in Canada and the Corresponding Committee. [*Repealed.*]

Proviso:
Decision of
Correspond-
ing Commit-
tee when to
be transmit-
ted.

X. Provided always, and be it enacted, That the decision of the Corresponding Committee upon any matter submitted to them for confirmation shall be transmitted from England for the Directors, within twenty-one days after the receipt at the office of the Corresponding Committee of the communication or despatch submitting such matter for confirmation, or within the period of forty days after the receipt at the said office of such communication or despatch, in case the Corresponding Committee shall, within fourteen days after the receipt thereof at the said office send a notification to the Directors in Canada, signifying their intention of submitting such matter to a General Meeting of the English Shareholders. [*Repealed.*]

XI. And be it enacted, That all communications and despatches which shall be transmitted from the Corresponding Committee to the Directors, and purporting to be resolutions or Acts of such Committee, or a majority of them, shall be signed by three of the members of the Committee, and all communications and despatches so signed shall be considered and treated by the Directors as the resolutions and acts of such committee, and be binding accordingly. [*Repealed.*]

Communications of Corresponding Committee to be signed by three members.

XII. And be it enacted, That the Corresponding Committee shall have power to make from time to time, all such By-laws and regulations for their own government, and for promoting and effecting the objects of their constitution, as to them shall seem expedient, and they shall have power, with the concurrence of the English Shareholders, to make and carry into effect all such regulations as they may deem expedient with respect to holding meetings of the English Shareholders, making reports and other communications to them, and generally with such concurrence as aforesaid to do all such acts, matters and things as they may think fit for the management of the affairs of the Company in England, and for the protection of the interests of the English Shareholders. [*Repealed.*]

Corresponding Committee may make By-laws, &c, for the protection of the English Shareholders

XIII. And be it enacted, That a general meeting of the Company shall be called at any time by the Directors upon the receipt by them of a requisition to that effect, signed by any Shareholder or Shareholders holding in the aggregate not less than one thousand shares in the Company, and every such requisition shall specify the object for which such meeting shall be required to be called, and the Directors shall thereupon give such notice of such meeting as is hereinafter mentioned, and shall specify in such notice the object for which the meeting is required to be held. [*Repealed.*]

General Meetings of Company how to be called.

XIV. And be it enacted, That the Directors shall be subject to the control and authority of the general meetings in the management of the affairs of the Company. [*Repealed.*]

Directors to be subject to control of General Meetings.

XV. And be it enacted, That every Shareholder of the Company shall be entitled to appoint any person whomsoever, being also a Shareholder, to vote and act for him or her by proxy at the general meetings of the Company, according to the number of votes which the persons appointing such proxy shall be entitled to, according to the rates of voting which shall for the time being be prescribed by the act or acts of the Company; but no vote or act by proxy of any English Shareholder shall be admitted, unless the person appointed

Shareholders may vote by proxy.

Proxies to be in writing.

to vote or act as the proxy of such Shareholder, shall be nominated by writing under the hand of the Shareholder availing himself or herself of his or her right to vote or act by proxy, and such nomination in writing shall be signed by one at least of the members of the Corresponding Committee or their Secretary, and such proxy shall either continue in force only for the particular meeting for which the same shall have been given, and for every adjournment of such meeting, or shall continue in force for such meetings or for such time as the Shareholder giving such proxy shall thereby direct. *[Repealed.]*

Shareholders having proxy to be considered as present.

XVI. And be it enacted, That every Shareholder who shall have and appoint such proxy as aforesaid, shall during all such time as such proxy shall be in force, be considered as present by such proxy, and all the votes and acts of the proxy in that capacity shall be as valid and effectual as the votes and acts of the Shareholder who appointed such proxy would have been if such Shareholder had been present and voted or acted in his or her own person. *[Repealed.]*

Notice of General Meetings to be transmitted by company in Canada to Corresponding Committee in London, within a certain time.

XVII. And be it enacted, That the Directors of the Company in Canada shall transmit from Canada for the Corresponding Committee at their office in London, notice of the holding of every general meeting, sixty days at the least before the day appointed for the holding of such meeting, and every such notice shall specify the particular object for which such meeting shall have been called, and the nature of the matters intended to be discussed or determined at such meeting: Provided always, that the Directors may call any general meeting upon giving any less extended notice to the Corresponding Committee of the same, whenever they shall be authorized so to do by a resolution of the Corresponding Committee. *[Repealed.]*

Notice to be given by Candidates for office of Directors.

XVIII. And be it enacted, That all candidates for the office of Director or any other office which shall according to the constitution of the Company be filled by the election of the general meetings, shall leave at the office of the Company in Canada, notice in writing, of their intention to become such candidates, sixty-five days at the least previously to the day of election, and the names of such candidates shall with all convenient speed be from time to time transmitted by the Directors to the Corresponding Committee, and if at any meeting the number of Candidates who shall give such notice as aforesaid, shall be sufficient to fill all the offices which shall have to be filled by election at such meeting, no other candi-

dates than those who shall have given such notice shall be proposed at such meeting, but if by reason of neglect to give such notice as aforesaid, or the retirement or death of any candidates after giving such notice, or for any other cause, there shall be at the meeting a deficiency of candidates who shall have given such notice to fill the offices which shall have to be filled up at such meeting, then and in such case it shall be lawful for any Shareholder or Shareholders representing in the aggregate either personally or by proxy ten votes, to propose and nominate any candidate or candidates for any office or offices for which there shall be a deficiency of candidates who shall have given such notice as aforesaid. [*Repealed.*]

Deficiency of
Candidates.

XIX. And be it enacted, That after the three first calls shall have been made, no call shall be made less than sixty days before the time fixed for payment of such call, and that immediately after any call shall have been made, the Directors of the Company shall transmit notice thereof to the Corresponding Committee, who shall thereupon with all convenient speed give notice of such call to the English Shareholders, and the calls of the English Shareholders shall be paid to the Company's Bankers in London, to the credit of the Company. [*Repealed.*]

Calls when
to be made.

XX. And be it enacted, That subject to the provisions herein contained, it shall be lawful for the Directors of the Company to declare any share or shares in respect of which any call shall remain unpaid after the time fixed for payment of the same, to be forfeited, and the same shall, unless such forfeiture shall be waived in the manner hereinafter mentioned, be forfeited accordingly, and be sold by the Directors for the benefit of the Company: Provided always, that no share of any English Shareholder shall be forfeited for the non-payment of any call if such call shall be paid within twenty-one days after notice of the making of such call shall have been received at the office of the Corresponding Committee, though such call may not be paid until after the day which shall have been fixed for the payment of the same. [*Repealed.*]

Forfeiture of
shares, &c.,
for non-pay-
ment of calls

Proviso as to
English
Sharehold-
ers.

XXI. And be it enacted, That it shall be lawful for the Directors of the Company from time to time to waive the forfeiture of any share or shares belonging to any Canadian Shareholder for the non-payment of any call upon such share or shares, upon condition of the payment by such Shareholder at any time before the share or shares which shall have

Forfeiture of
shares may
be waived
on certain
conditions.

become subject to forfeiture shall have been sold, of the amount of the call made in respect of the same, together with interest thereon at the rate of five per cent. per annum, to be computed from the time at which such call ought to have been paid, and upon such other conditions (if any) in addition to the payment of such call and interest as to the said Directors shall seem reasonable; and it shall be lawful for the Corresponding Committee from time to time to waive the forfeiture of any share or shares belonging to any English Shareholder for the non-payment of any call upon such share or shares, upon condition of the payment by such Shareholder at any time before the share or shares which shall have become subject to forfeiture shall have been sold, of the amount of the call made in respect of the same, together with interest thereon at the rate of five per cent. per annum, to be computed from the time at which such call ought to have been paid, and upon such other conditions (if any) in addition to the payment of such call and interest as to the Corresponding Committee shall seem reasonable. [*Repealed.*]

Directors to
make half
yearly divi-
dends.

English
Sharehold-
ers' divi-
dends to be
remitted to
England free
of charges.

XXII. And be it enacted, That the Directors shall make a dividend out of the profits of the Company at regular half-yearly intervals, in the months of February and August in every year, and the amount of such dividend shall be distributed equally amongst all the shares in the Company; and the amount of the dividends of the English Shareholders shall be from time to time remitted to the Bankers of the Company in England, to be placed there at the disposition of the Corresponding Committee who shall distribute the same amongst the English Shareholders according to their respective rights and interests therein, in such manner as shall be appointed or agreed upon by the English Shareholders; and all expenses of remitting such dividends and of the distribution of the same, or in any wise relating thereto, shall be paid out of the general funds of the Company, to the end that the English Shareholders may receive the same amount of Dividend as the other Shareholders of the Company, in proportion to the number of Shares held by them respectively. [*Repealed.*]

Directors to
cause min-
utes of pro-
ceeds to be
entered in a
book for that
purpose.

XXIII. And be it enacted, That the Directors of the Company in Canada shall cause minutes of all their proceedings to be entered in a book to be kept for that purpose, and shall cause full and regular accounts to be kept of all monies which shall from time to time be paid or received by them, and of all business which shall be transacted by them or by their

order in any wise relating to the affairs of the Company; and shall from time to time with all convenient dispatch, transmit to the Corresponding Committee at their office in England, copies of all such minutes and accounts, and all such other information as may from time to time be required by the Corresponding Committee in any wise relating to the affairs of the Company.

XXIV. And be it enacted, That the Corresponding Committee shall keep full and regular accounts of all monies which shall from time to time be paid or received by them on account of, or in any wise relating to the affairs of the Company, and shall from time to time with all convenient dispatch transmit to the Directors of the Company at their office in Canada, copies of such accounts and all such other information as may from time to time be required by the Directors, in any wise relating to the affairs of the Company.

Corresponding Committee to keep regular accounts, &c.

XXV. And be it enacted, That it shall be lawful for the Directors of the Company and the Corresponding Committee from time to time by agreement between themselves, to make any provisions not inconsistent with this Act or any other Act relating to the said Company, for the purpose of regulating the relative rights and interests of the English Shareholders and the Canadian or other Shareholders of the Company, and that all provisions which may be made as aforesaid shall be entered in books to be kept exclusively for that purpose, by the Directors of the Company and the Corresponding Committee respectively, and that all such provisions shall, after they shall have been so entered, and after notice of the same shall have been given to the Shareholders of the Company, thirty days before the time fixed for the coming into operation thereof, either by a circular letter to be sent to each of the Shareholders, or by an advertisement to be inserted twice in at least one public newspaper to be published in the Gore, London and Western Districts, respectively, and the Canada Gazette, and twice in two daily morning London newspapers, be considered as forming part of the laws of the Company, and be as binding and effectual as if the same had been expressly enacted by this Act.

Directors and Corresponding Committee may by agreement make provisions not inconsistent with this or any other Act.

XXVI. And be it enacted, That whenever any lands or grounds required by the said Company, for the purpose of the said Rail-road, are held or owned by any person or persons, bodies corporate, politic or collegiate, whose residence may not be within this Province, or unknown to the said Company, or when the title to any such lands or grounds

Provisions when lands required by Company are held by persons, bodies, corporate or parties unable to treat, &c.

Arbitrators
to be ap-
pointed.

may be in dispute, or when the owner or owners of such land or grounds are unwilling or unable to treat with the said Company for the sale thereof, or to appoint Arbitrators, it shall and may be lawful for the said Company, after having first given thirty days' notice of such intention in some newspaper published in the District where such lands are situate, to nominate and appoint one or more indifferent person or persons, and for the Judge of the District Court for the District in which such lands or grounds are situate, on the application of the said Company, to nominate and appoint an equal number of indifferent persons, who, together with one other persons, to be elected by ballot by the person so named shall be Arbitrators to award, determine, adjudge and order the respective sums of money, which the said Company shall pay to the respective persons, entitled to receive the same, for the said lands or grounds, or damages as aforesaid, and the decision of the majority of such Arbitrators shall be final, which said amount so awarded, the said Company are to pay or cause to be paid to the said several parties entitled to receive the same, when demanded; and also that a record of such award or arbitration shall be made up and signed by the said Arbitrators or a majority of them, specifying the amount of such award, and the costs of such arbitration, which may be settled by the said Arbitrators or a majority of them, which record shall be deposited in the Registry Office of the County in which such lands or grounds are situated; and also that the expenses of the said arbitration shall be paid by the said Company: Provided always, that in all Arbitrations under this or any other Act relating to the said Rail road, the Arbitrators shall take into consideration the benefit conferred on the property on which they are arbitrating, as well as the damage done to any particular portion thereof.

Provido.

The like
when lands
are under
mortgage

XXVII. And be it enacted, That whenever any lands or grounds required to be used or occupied by the said Company, shall be held under mortgage, it shall and may be lawful to and for the said Company to nominate and appoint one or more indifferent person or persons, and for the Judge of the District Court for the District in which the lands or grounds are situate, on the application of the said Company, to nominate and appoint an equal number of indifferent persons, who together with one other indifferent persons to be elected by ballot by the persons so named, shall be Arbitrators to decide and assess the value of the said lands or grounds, or the amount of damage to be paid to the owner thereof as afore-

said; and upon such decision or award the said Company shall pay or cause to be paid, the amount of such award to the Mortgagee, as a payment for and on account of the said mortgage; and upon such payment being so made the Mortgagor and Mortgagee are hereby required and compelled to join in conveying the said lands or grounds to the said Company or their successors: Provided always, that when the amount of such award shall exceed the amount secured or payable on such mortgage, the said Company after the amount due on such mortgage shall be satisfied, shall pay or cause to be paid the balance of the said award to the Mortgagor, or other person or persons entitled to receive the same.

Proviso.

XXVIII. And be it enacted, That if the double or single iron or wooden Railroad or way, of the said Company shall pass through tracts of land or property belonging to, or in possession of any tribe of Indians in this Province, or if any act occasioning damage to their property or possession shall be done under the authority of this Act, compensation shall be made to them therefore in the same manner as is provided with respect to the property, possession or rights of other individuals; and that whenever it shall be necessary that Arbitrators shall be chosen by the parties for settling the amount of such compensation, the Chief Officer of the Indian Department within this Province, is hereby authorized and required to name an Arbitrator on behalf of the said Indians, and the amount which shall be awarded in any case shall be paid where such lands belong to any Tribe or body of Indians to the said Chief Officer for the use of such Tribe or body.

When lands belong to any tribe of Indians.

XXIX. And be it enacted, That whenever it shall be necessary for the said Company to occupy any part or parts of the lands or grounds belonging to the Crown, or which have been at any time heretofore specially set apart and reserved, or which are designated or commonly known as Crown Lands or lands reserved for Military purposes, they shall first apply for and obtain the license and consent of Her Majesty the Queen, Her Heirs and successors, under the hand and seal of the Governor, or person administering the Government of this Province for the time being, and having obtained such license and consent, it shall and may be lawful for them at any time or times to enter into and upon, have, hold, use and enjoy any part or parts of the said lands and grounds for the purposes of this Act, or for any other purposes connected therewith.

Crown Lands.

All parties
may sell and
convey to
the Company
lands neces-
sary for
Railroad.

XXX. And be it enacted, That after any lands or grounds shall be set out and taken as aforesaid, by the said Company, for the purpose of making and completing the said double or single iron or wooden Rail road or way, or for other the purposes and convenience aforesaid, it shall and may be lawful for all bodies corporate, politic or collegiate, corporations, communities, guardians, executors, administrators, and all other trustees or persons, not only for and on behalf of themselves, their heirs and successors, but also for and on behalf of those whom they represent, whether infants, issue unborn, lunatics, idiots, *femes-covert*, or other person or persons, who are, or shall be seized, possessed of or interested in any lands or grounds which shall be so required as aforesaid, or any part thereof, to contract for, sell and convey unto the said Company, their successors or assigns, all or any part of such lands or grounds which may from time to time be required as aforesaid: And that all contracts, agreements, sales, conveyances and assurances so to be made, shall be valid and effectual in law to all intents and purposes whatsoever; any law, statute, usage or custom to the contrary thereof in anywise notwithstanding: and all bodies politic, corporate or collegiate, and all persons whatsoever so conveying as aforesaid, are hereby indemnified for what he, she or they, or any of them shall respectively do by virtue of or in pursuance of this Act.

Deeds and
conveyances
to be as near
ly as may be
in form of
Schedule A.

XXXI. And be it enacted, That all deeds and conveyances for lands to be conveyed to the said Company for the purposes of this Act may be, as far as the title to the said land or the circumstances of the party making such conveyance will permit in the form given in the Schedule to this Act marked A, and all Registrars are hereby authorized to enter in their Register Books such deeds on the production and proof of execution thereof without any memorial, and to minute 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.

Annual
Meetings to
be held at
Hamilton,
how to be no-
tified.

See 8 Vic.
Chap. 86 Sec
6.

XXXII. And be it enacted, That from and after the passing of this Act it shall and may be lawful for the annual meetings of the Shareholders of the said Company, for the election of Directors, to be holden at the Town of Hamilton, in the District of Gore, notice thereof being given at least thirty days prior to such election, in one or more newspapers in each of the Districts of London and Gore, and also in the Western District.

XXXIII. And be it enacted, That it shall and may be lawful for the Board of Directors, or a majority of them, for the time being, to take such By-laws, Rules and Regulations as they may think proper, for the junction or union of the said Company with any other Company or Companies or Association, formed under any deed or deeds of settlement in England or elsewhere, or by Charter in this Province, and for the management, direction and carrying out of the objects of such junction or union, and for the securing to all parties to such junction or union the stipulations and agreements which may be mutually settled upon between them.

Directors may make provision for the union of the Company with any other.

XXXIV. And be it enacted, That the said Company shall at all times, when thereunto required by Her Majesty's Deputy Post Master General, the Commander of the Forces, or any person having the command or superintendence of any Police Force, carry Her Majesty's Mail, Her Majesty's Naval or Military Forces, or Militia, and all artillery, ammunition, Provisions or other stores for their use, and all Policemen, Constables, and others travelling on Her Majesty's service on their said Rail road, on such terms and conditions, and under such regulations as the said Company and the said Deputy Post Master General, the Commander of the Forces, or person in command of any Police Force, respectively, shall agree upon, or if they cannot agree, then upon such terms and conditions and under such regulations as the Governor, or person administering the Government, shall in Council make: Provided, that by such regulations the Company shall not be required to start any train or Steamboat at any other time than their ordinary time of starting the same; but they may be required to provide a separate carriage for the mail and the person or persons in charge thereof: And provided also, that any further enactments which the Legislature of this Province may hereafter deem it expedient to make with regard to the carriage of the said Mail or Her Majesty's Forces, and other persons and articles as aforesaid, or the rates to be paid for carrying the same, or in any way respecting the use of any Electric Telegraph, or other service to be rendered by the Company to the Government, shall not be deemed an infringement of the privileges intended to be conferred by this Act; and nothing in this Act contained shall be construed to authorize the said Company to take or enter upon any lands or real estate of any kind belonging to Her Majesty, Her Heirs or successors, or vested in or held in trust by the Principal Officers of Her Majesty's Ordnance, or any

Company to convey Her Majesty's Troops, Police-men, &c., at reasonable rates, to be fixed by the Governor in Council if the parties cannot agree.

Proviso.

Proviso: The Legislature may make further regulations as to such matters.

Proviso as to lands of the Crown or held in trust for the Crown.

public body, person or party in trust for the uses or service of Her Majesty, Her Heirs or successors, whether such real estate be held in fee simple or for any less estate, during the continuance of such estate, unless the entering upon or taking of such lands or real estate be authorized by the Governor in Council, or by the Commander in Chief of Her Majesty's Forces in this Province.

Saving of
the rights of
the Crown
and parties
not expressly
affected.

XXXV. And be it enacted, That nothing herein contained shall affect or be construed to affect in any manner or way whatsoever, the rights of Her Majesty, Her Heirs and successors, or of any person or persons, or of any bodies politic, corporate or collegiate, such only excepted as are herein mentioned.

SCHEDULE A.

Know all men by these presents, that, I, A. B., in consideration of the sum of _____ to me in hand paid by the Great Western Rail road Company, the receipt whereof is hereby acknowledged, have granted, bargained, sold conveyed and confirmed, and by these presents do grant, bargain, sell, convey and confirm unto *The said Great Western Rail road Company*, their Successors and Assigns for ever, all that certain parcel or tract of Land and Premises situate and being (*here describe the land,*) the same having been selected by the said Company for purposes connected with their Road: To have and to hold the said Land and Premises, with the appurtenances thereunto belonging, to the said *Great Western Rail road Company*, their Successors and Assigns for ever.

Witness my Hand and Seal, this _____ day of _____ 18 .

Signed, sealed and delivered, in the presence of

[L. S.]

AN ACT

TO ALTER AND AMEND THE CHARTER OF THE GREAT WESTERN RAILROAD COMPANY.

[PASSED 30TH MAY, 1849.]

WHEREAS in and by the Act passed in the ninth year of Her Majesty's Reign, and intituled, *An Act to alter and amend the Charter of the Great Western Railroad Company*, certain extraordinary powers, rights and privileges were granted to the Stockholders resident in England, and a Corresponding Committee established in London, England, in consideration of the large amount of capital stock of the Company held in that country; And whereas the President and Directors of the said Company have by petition, by and with the consent of the English Stockholders, prayed for the repeal or so much of said recited Act as relates to the establishment of the said Corresponding Committee, and so place the said Stockholders on the same common ground with the other Stockholders of the Company; And whereas it is proper to grant such petition: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the provisions of the said recited Act, so far as they are inconsistent with this Act and the provisions herein contained, shall be, and the same are hereby repealed.

II. And be it enacted, That so much of the first Section of the said Act as relates to affording protection to the English Stockholders of the said Company, be, and the same is hereby repealed.

Part of Sec.
1 repealed.

[L. S.]

Sect. 2 to 22
repealed.

III. And be it enacted, That the second, third, fourth fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth, fifteenth, sixteenth, seventeenth, eighteenth, nineteenth, twentieth, twenty-first, and twenty-second Sections of the said recited Act, be, and the same are hereby repealed.

Sharehold-
ers to have
equal rights.

IV. And be it enacted, That any Shareholder in the said Company, be he or she a British Subject or alien, a resident in Canada or elsewhere, shall have equal rights to hold stock in the said Company, to vote on the same, and be eligible to office in the said Company.

Sharehold-
ers may vote
by proxy.

See 4 Wm. 4
chap. 29 Sec.
13.

V. And be it enacted, That every Shareholder in the said Company shall be entitled to appoint any person whomsoever, being also a Shareholder, to vote and act for him or her by proxy, at all general meetings of the Company, and for the election of Directors, and that each Shareholder shall be entitled to give one vote for each and every share of capital stock held by him or her.

Eleven in
stead of 7
Directors.

VI. And be it enacted, That the number of Directors in the said Company shall be, and consist of eleven instead of seven. (See 4 Wm 4, Sec. 12.)

Public Act,

VII. And be it enacted, That this Act is and shall be for all purposes and in all Courts of Justice regarded as a Public Act, and the same as such shall be judicially noticed without being specially pleaded.

AN ACT
TO EMPOWER THE
GREAT WESTERN RAIL ROAD COMPANY
TO MAKE A BRANCH RAIL ROAD TO THE TOWN OF
GALT.

[PASSED AUGUST, 1850.]

WHEREAS the Townreeve of the Town of Galt, in the Preamble.
County of Halton, has petitioned the Legislature that the
Great Western Railroad Company may be empowered to
construct a Branch Railroad from their main line to the said
Town, and the said Great Western Rail Road Company have,
by petition, expressed their readiness to construct such
Branch, and have prayed to be empowered to construct
the same, and it is expedient to grant the prayer of the said
Petition: Be it therefore enacted &c. That the said Great
Western Railroad Company shall have full power to construct
and make, and to work and use a Branch Railroad from such
point on the main line of the Railroad they are now empow-
ered to construct, as may be found most suitable, to the said
town of Galt; and that all the privileges, powers and rights
vested in the said Company with regard to the Railroad they
are now empowered to construct, and all the duties and obli-
gations imposed upon them with regard to the same, by the
Act incorporating the said Company and the Acts amending
the same, and all the provisions of the said Acts which are
susceptible of such extension, shall extend to and with regard
to the said Branch Road, as fully and effectually as to the
Railroad the said Company are now empowered to construct,
to all intents and purposes; and the said Acts shall be con-
strued and have effect as if the said Branch Rail Road had
been mentioned and described in the said Act of Incorporation
as part of the Railroad and Works which the said Company
were thereby empowered to construct.

And be it enacted, That nothing in the Charter of the said
Great Western Railroad Company or in any Act of Parlia-
ment affecting the same, enacted or contained, shall be con-
strued to prevent the said Company from crossing any navi-
gable rivers or waters with the said Railroad, upon duly pro-
viding against any unnecessary obstruction of the navigation
thereof.

AN ACT

TO INCREASE THE CAPITAL STOCK OF THE
GREAT WESTERN RAILROAD COMPANY,
AND TO ALTER THE NAME OF THE SAID COMPANY.

[PASSED 22ND APRIL, 1853.]

Preamble.

Company
may increase
their Capital
by £500,000.

Subscription
Stock Book
to be open
for a certain
time.

Notice.

WHEREAS the Great Western Railroad Company have applied for an increase of the Capital Stock of that Company, and it is expedient and necessary the same should be granted: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the Great Western Railroad Company are hereby authorized to increase their Capital Stock to an amount not exceeding Five Hundred Thousand Pounds of lawful money of this Province, by creating an additional number of shares not exceeding twenty thousand, of Twenty-five Pounds each, and that the said Company shall cause a Stock Book for the subscriptions of parties desirous of becoming Stockholders or subscribers for such additional shares, to be opened at the office of the Agency of the Bank of Upper Canada, in the City of Hamilton, within fifteen days after the passing of this Act, and such Book shall remain open for the space of one week, and that public notice thereof shall be given in two Newspapers published in the said City, containing the place and the day and hour of the opening and closing of the same; and that the persons so subscribing for such additional shares shall pay five per cent. on

the amount subscribed, and immediately after the payment of such per centage, they shall thereupon be entitled to vote on all occasions in proportion to the number of shares held by them; anything in any Act relating to the said Company to the contrary notwithstanding, and shall have all the other privileges of the Shareholders in the said Company, and that all future calls shall be made in the usual manner.

Five per cent to be paid down.

II. And be it enacted, That all or so many of the said additional shares as shall remain unsubscribed for after the closing of the said Stock Book, shall be disposed of in such manner as the Board of Directors of the said Great Western Railroad Company shall deem expedient.

Shares remaining unsubscribed for, how to be disposed of.

III. And for the avoidance of doubt—Be it declared and enacted, That the said Company have had and shall have power and authority to borrow money from time to time for making, completing, maintaining and working the said Railroad as they might or may think advisable, and to pledge the lands, tolls, revenues and other property of the Company for the due payment thereof, and might and may make the Bonds or Debentures issued by them for securing there payment of any sums so borrowed, or to be borrowed convertible into Stock of the said Company, on the terms and conditions expressed or to be expressed in such Bonds or Debentures, or in the By-laws of the Company, and might and may insert in any Bonds or Debentures issued or to be issued by them, such terms and conditions of any kind whatsoever as they might or may think most for the advantage of the said Company: Provided the same be not inconsistent with the laws of this Province, or with the express provisions of the Act incorporating the Company, or of the Acts amending the same.

The Company declared to have and to have had power to borrow money, pledge their lands, tolls, &c.

Proviso.

IV. And be it enacted, That it shall and may be lawful for the said Company in the construction of their said Railway or of any branches therefrom or thereto, to take, hold, use and occupy all such land or ground with the privileges which appertain thereto and which may be found necessary for the same, in, along, upon and across any navigable stream, lake, river, or waters whatsoever, and for the uses of such Railway, to use, occupy and take possession of the shores or banks thereof and any easement thereto being of a public or private nature or character: Provided always, that the free and uninterrupted navigation of the said streams, lakes, rivers or other waters so used, for all boats, ships and vessels passing and repassing the same, shall not be interfered with by the said Railway, and also that the owner or owners, occupier

Powers and restrictions as regards navigable waters.

Proviso: navigation not to be impeded.

or occupiers of any lands, grounds or private privileges so taken, shall be compensated therefor as is provided by this Act and the several Acts incorporating said Company and amendments thereto. (Sec 4 Wm. 4, Sec. 9.)

Company
may tender
compensa-
tion for
lands, &c.
taken by
them.

V. And be it enacted, That for and notwithstanding anything in any Act of the Parliament of this Province or of the late Province of Upper Canada, incorporating the said Great Western Railroad Company or amending the same, in case any dispute or disagreement shall arise between the said Company and the owner or occupier of any land or ground or privileges appertaining thereto, which may have been taken by the said Company or which shall hereafter be taken or required by the said Company for the uses or conveniences of their Road, as to the value of the land or ground so taken and the privileges appertaining and damages done thereto, it shall any may be lawful for the said Company and they are hereby empowered to tender to such owner or occupier of such land or ground and privileges as aforesaid, such sum or sums of money as compensation therefor, as the said Company may consider reasonable and just; and in case an arbitration or suit be had thereon by reason of such owner or occupier not accepting such sum or compensation so tendered, and no greater sum be awarded or allowed to such owner or occupier, by the Arbitrators appointed to settle or a Jury empannelled to try the same, than the amount of compensation so tendered, then the said owner or occupier of such land, ground or privileges shall pay and discharge all costs and charges attending such arbitration or suit, and if any greater sum be awarded or allowed by such Arbitrators or Jury than the amount so tendered, then the Company shall pay all costs and charges attending such arbitration or suit, and also such additional sum as may be so awarded or allowed by such Arbitrators or Jury, for the land, or ground damages, or privileges so taken by the said Company.

Costs to fall
on the oppo-
site party if
there be an
arbitration,
and the a-
ward be for
no greater
sum than
the compen-
sation ten-
dered.

After tender
and paym't
into Court, if
tender be re-
fused, Com-
pany may
take posses-
sion.

VI. And be it enacted, That the said Company shall, as soon as may be after making such tender, (if the same be not accepted) pay the amount or sum so tendered into the office of either of the Superior Courts of Common Law for Upper Canada, for the use of the owner or occupier of such land or ground or such party as may be entitled by law to receive the same; and immediately upon the sum so tendered being deposited with the Officer of such Court, it shall and may be lawful for the said Company, and they are hereby authorized and empowered forthwith to take possession of the said land

or ground, and to hold the same for the uses for which they may require the same; and if any resistance or forcible opposition shall be made by any person to their so doing, it shall and may be lawful for the Judge of any of Her Majesty's County Courts in Upper Canada, on proof to his satisfaction of such tender being made and the compensation money deposited as aforesaid, and that immediate possession of the land is required by the said Company, to issue his Warrant to the Sheriff of the County or United Counties in which the land in question is situate, or to a Bailiff as he may deem most suitable, to put the said Company in possession, and to put down such resistance.

Warrant if
resistance be
made.

VII. And be it enacted, That whenever any sum or sums of money shall be agreed upon or awarded to be paid by the said Company, for any land taken by them which might be taken without the consent of the proprietor for the uses of their Railroad, the sum so agreed upon or awarded shall be the compensation to be paid by them for the said land, and shall stand in the stead of such land; and any claim to or incumbrance upon the said land, or any portion thereof, shall, as against the Company, be converted into claim to the compensation, or to a like proportion thereof, and they shall be responsible accordingly, whenever they shall have paid such compensation, or any part thereof, to a party not entitled to receive the same, saving always their recourse against such party: Provided that if the Company shall have reason to fear any claims or incumbrances, or if any party to whom the compensation, or any part thereof shall be payable, shall refuse to execute the proper conveyance and warranty, or if the party entitled to claim the same cannot be found, or be unknown to the Company, or if for any other reason the Company shall deem it advisable, it shall be lawful for them to pay such compensation into the office of either of the Superior Courts of Common Law for Upper Canada, with the interest thereon for six months, and to deliver to the Clerk of the Court an authentic copy of the conveyance, or of the award or agreement, if there be no conveyance, and such award or agreement shall thereafter be deemed to be the title of the Company to the land therein mentioned; and a notice, in such form and for such time as the said Court shall appoint, shall be inserted in some newspaper, [if there be any] published in the County in which the land is situate, which shall state that the title of the Company, that is, the conveyance, agreement, or award, is made under this Act, and shall call

Claims on
the lands
converted
into claims
on the com-
pensation.

If the Com-
pany fear
incumbran-
ces, they
may pay the
money into
Court.

Notice to
claimants.

Court to distribute the money among the claimants.

Interest.

The third or fifth Arbitrator may be appointed by a County Judge in certain cases.

Power to fix Tolls and enforce payment thereof

upon all persons entitled to the land, or to any part thereof, or representing or being the husbands of any parties so entitled, to file their claims to the compensation or any part thereof: and all such claims shall be received and adjudged upon by the Court, and the said proceedings shall for ever bar all claims to the lands or any part thereof, including dower, as well as all mortgages or incumbrances upon the same; and the Court shall make such order for the distribution, payment or investment of the compensation, and for the securing of the rights of all parties interested, as to right and justice and according to the provisions of this Act and to law shall appertain; and the costs of the proceedings, or any part thereof, shall be paid by the Company or by any other party, as the Court shall deem it equitable to order; and if such order of distribution as aforesaid be obtained in less than six months from the payment of the compensation into Court, the Court shall direct a proportionate part of the interest to be returned to the Company, and if from any error, fault or neglect of the Company, it shall not be obtained until after the six months are expired, the Court shall order the Company to pay to the proper claimants the interest for such further period as may be right.

VIII. And be it enacted, That from and after the passing of this Act, in case the Arbitrators who may or shall have been chosen and appointed by the said Company, and the owner or occupier of land or ground taken by them for the uses of their Road, to assess the value of such land and damages thereto, cannot agree at their first meeting upon a third or fifth Arbitrator as the case may require, to act with them, the said arbitrators for the purposes for which they shall have been appointed, it shall and may be lawful for the Judge of the County Court of the County in which such lands so taken or required are situate, to nominate and appoint a third or fifth Arbitrator, as the case may require, which Arbitrator, so named by such Judge shall have, possess and be vested with all the powers, authority and privileges of an Arbitrator, and to the same extent as if he had been elected and chosen by such Arbitrators appointed by such Company and the proprietor, owner or occupier of such land.

IX. And be it declared and enacted, That the said Company have and shall have power from time to time and at all times, to take, transport, carry and convey persons and goods on their Railway, and also to fix, establish and regulate by By-law or otherwise (which By-laws the Board of Directors of

said Company for the time being shall have power to make, alter and repeal) the tolls which shall and may be demanded and received for all passengers and goods transported upon the said Railway, or in any Steam Vessels belonging to the said Railway, and which shall be paid to such person and at such places near the Railway, in such manner and under such regulations as the By-law or By-laws shall direct; and in case of denial or neglect of payment of any such tolls or any part thereof, on demand to such person, the same may be sued for and recovered in any competent Court, or the Agent or Servants of the Company may, and they are hereby empowered to seize the goods for or in respect whereof such tolls ought to be paid, and detain the same until payment thereof; and in the meantime the said goods shall be at the risk of the owners thereof, and if the said tolls shall not be paid within six weeks from the time of seizure, the Company shall thereafter have power to sell the whole or any part of such goods, and out of the money arising from such sales to retain the tolls payable as aforesaid, and all charges and expenses of such detention and sale, rendering the surplus, if any, of the money realised from such sale or such of the goods as may remain unsold, to the person entitled thereto; and if any goods shall remain in possession of the Company unclaimed for the space of twelve months, the Company shall thereafter, and on giving public notice thereof by advertisement for six weeks in the *Canada Gazette*, and in such other paper as they may deem necessary, have power to sell such goods by Public Auction, at a time and place to be mentioned in such advertisement, and out of the proceeds thereof, to pay such tolls and all reasonable charges for storing, advertising and selling such goods, and any balance of such proceeds shall be kept by the Company for a further period of three months to be paid over to any party entitled thereto, and in default of such balance being claimed before the expiration of the period next aforesaid, the same shall be paid over to the Receiver General, to be applied to the general purposes of the Province, until such time as the same shall be claimed by the party entitled thereto; and all or any of the said tolls, may by any By-law be lowered and reduced and again raised as often as it shall be deemed necessary for the interest of the undertaking: Provided that the same tolls shall be payable at the same time and under the same circumstances, upon all goods and persons, so that no undue advantage, privilege or monopoly may be afforded to any person or class of persons by any By-laws relating to the tolls.

Sale of articles on which Tolls shall be unpaid.

Notice.

Surplus.

Province.

Suits for indemnity to be commenced within a certain time

X. And be it enacted, That all suits for indemnity for any damage or injury sustained by any person or persons whomsoever, by reason of the said Railway, shall be instituted within six calendar months next after the time of such supposed damage sustained, or if there shall be continuation of damage, then within six calendar months next after the doing or committing such damage shall cease, and not afterwards; and the Defendants may plead the general issue, and give this Act and the special matter in evidence at any trial to be had thereupon, and may prove that the same was done in pursuance of and by authority of this Act, and the several Acts relating to the said Company.

Fines and penalties how levied and enforced

XI. And be it enacted, That all fines and forfeitures imposed by this Act or which shall be lawfully imposed by any By-law of the said Great Western Railroad Company, the levying and receiving of which are not particularly herein or in any other Act relating to the said Company directed, shall, upon proof of the offence before any one or more Justice or Justices of the Peace for the County or place where the act occurred, either by confession of the parties or by the oath or affirmation of any one credible witness, which oath or affirmation such Justice or Justices is or are hereby empowered and required to administer without fee or reward, be levied by distress and sale of the offender's goods and chattles by Warrant, under the hand and seal or hands and seals of such Justice or Justices; and all fines, forfeitures and penalties, the application whereof is not by this or any other Act particularly directed, shall be paid into the hands of the Treasurer of the said Company, to be applied to the use thereof, and the overplus of the money so raised, after deducting the penalty and the expenses of the levying and receiving thereof, shall be returned to the owner of the goods so distrained and sold; and for want of sufficient goods and chattels whereof to levy the said penalties and expenses, the offender shall be sent to the Common Gaol of the County in which he shall have been convicted, there to remain without bail or main-prize for such time, not exceeding one month, as the Justice or Justices shall think proper, unless the penalty or forfeiture, and all expenses attending the same, shall be sooner paid and satisfied, but every such person or persons may, within four calendar months after the conviction, appeal against the same to the Court of General Quarter Sessions, to be holden in and for the County; and all contraventions of this Act or of the Act

Distress and sale.

Overplus.

Imprisonment for want of sufficient distress.

incorporating the said Great Western Railroad Company, or any Act amending the same, by any party, for which no punishment or penalty is herein provided, shall be a misdemeanor, and shall be punishable accordingly; but such punishment shall not exempt the Company, if they be the offending party, from the forfeiture by this Act, or other Acts, applicable to them, of the privileges conferred on them by the said Acts, if by the provisions thereof or by law, the same be forfeited by such contravention.

Offences for which no punishment is provided, to be included as misdemeanors.

XII. And be it enacted, That the said Company shall have power and are hereby authorized, to remove and put out of the cars, by the Conductor of the train, and also the servants of the Company, using no unnecessary force, at any usual stopping place, or near any dwelling house, as the Conductor shall elect for stopping the train, all or any passenger or passengers refusing to pay his or their fare; and any person in charge of a locomotive engine, or acting as the Conductor of a car or train of cars, who shall be intoxicated on the Railway, shall be deemed guilty of a misdemeanor.

Removing persons who will not pay their fare.

XIII. And be it enacted, That the style, title and name of "The Great Western Railroad Company," shall from the passing of this Act, be "The Great Western Railway Company:" Provided always, and it is hereby declared and enacted, That neither the change made by this Act in the name of the said Company, nor anything else herein contained, shall be construed to make the said Company a new Company or new Corporation, so as to cause any action, suit, contract or proceeding to which the said Company may be a party, to abate or cease, but the same may upon suggestion of the passing of this Act, be continued by or against the said Company by the name hereby assigned to it.

Name of Company changed.

Proviso.

XIV. And be it enacted, That the third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, and twelfth Sections of this Act, shall apply to the Hamilton and Toronto Railway Company, and shall be and the same are hereby incorporated with the Act passed in the present Session, and intituled, *An Act to Incorporate the Hamilton and Toronto Railway Company*, and that the third, fourth, ninth, tenth, eleventh and twelfth, Sections of this Act shall apply to the London and Port Sarnia Railway Company, and shall be and the same

Certain sections of this Act incorporated with 16 V. c. 44, and with the Act incorporating the London and Port Sarnia Railway Company.

are hereby incorporated with the Act passed in the present Session, and intituled, *An Act to incorporate the London and Port Sarnia Railway Company*, and the said Sections shall form part of the Acts with which they are respectively so incorporated.

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

13TH & 14TH VICTORIA, CHAP. 129.

AN ACT

TO EMPOWER MUNICIPAL CORPORATIONS TO SUBSCRIBE
FOR STOCK IN THE
GREAT WESTERN RAILROAD COMPANY.

[PASSED 23RD JULY, 1850.]

WHEREAS the Great Western Railroad Company and the Municipal Corporations of certain localities through which the Company are empowered to make their Railroad, have prayed that such Corporations and all others who may be so disposed, may be enabled to subscribe for Stock of the said Company, and it is expedient to promote an undertaking so important to the interests of the Province, by granting the prayer of the said Petition: Be it therefore enacted, &c. That it shall be lawful for the Common Council of the city of Hamilton, and for any other Municipal Corporation in this Province, to subscribe for any number of shares in the Capital Stock of the said Great Western Railroad Company, or to lend any sum of money to the said Company, or to guarantee and become security for the payment of any sum of money borrowed by the said Company after the passing of this Act, from any other Corporation or party, or to endorse or guarantee the payment of any Debentures to be issued by the said Company for money borrowed by them after the passing hereof: Provided always, that nothing herein contained shall be construed to increase the total amount of the Capital Stock which the said Company is now authorized by law to raise, or the total amount of money which it is now authorized to borrow.

Preamble.

II. And be it enacted, That the Municipal Corporation of any county, city, town, township or Village, who shall subscribe for Stock of the said Company, or lend or guarantee

To Levy money to meet engagements.

the payment of any sum of money under this Act, shall have full power and authority to cause to be assessed and levied, from time to time, upon the whole rateable property in such County, City, Township or Village, sufficient sums to enable them to discharge the debts, obligations and engagements which they shall have contracted as aforesaid; and also for the like purpose, to issue Debentures, payable at such times, and for such sum respectively, not less than *twenty-five pounds*, and bearing or not bearing interest, as such Corporation may think meet.

How debentures, &c., may be executed.

III. And be it enacted, That any Debenture which any Corporation may, under this Act, issue, endorse or guarantee, shall be valid and binding upon such Corporation, if signed, endorsed, or countersigned by such officer or person, and in such manner and form as shall be directed by any By-law of the Corporation, and it shall not be necessary that it be under the Seal of the Corporation, or that any further form be observed with regard to it, than such as shall be directed in such By-law as aforesaid.

Corporations not to incur liability without assent of voters.

IV. And be it enacted, That it shall not be lawful for any Municipal Corporation to subscribe for Stock as aforesaid, or incur any debt or liability under this Act, unless and until a By-law to that effect shall have been duly made and adopted with the consent first had and obtained of a majority of the qualified electors of the Municipality, present at a meeting called for that purpose by the Mayor, Warden or Town Reeve, at the request of any ten such electors, by public advertisement containing a copy of such proposed By-law, inserted at least four times in each Newspaper printed within the limits of the Municipality, or if no newspaper be printed therein, then in some one or more newspapers printed in the immediate vicinity thereof, and circulated therein.

Mayor, &c., to be a Director on a subscription of £25,000 or upwards.

V. And be it enacted, That the Warden, Mayor or Town Reeve, being the head of any Municipal Corporation subscribing for and holding shares in the Stock of the said Company to the amount of Twenty-five Thousand Pounds or upwards, shall be *ex officio*, one of the Directors of the said Company, in addition to the number of Directors now authorized by Law, and shall have the same rights, powers and duties as any of the other Directors of the said Company.

AN ACT

To make certain General Provisions with regard to the Services which the Government may require of Railroad Companies, whose Acts of Incorporation make them subject to such general Provisions.

[PASSED 30TH MAY, 1849.]

WHEREAS in divers Acts authorizing the construction of Railroads in this Province, a provision has been inserted, that such Railroads should be subject to the provision of any general Act relating to Railroads which might be passed by the Provincial Parliament, and it is expedient to make certain general provisions with regard to such Railroads: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That for and notwithstanding anything in any Act authorizing the construction of any Railroad or Railway in this Province, or in any Act amending any such Act, each and every Company incorporated for the purpose of constructing any Railroad or Railway, and in whose Act of Incorporation, or in any Act amending the same, a provision to the effect of that mentioned in the preamble to this Act is inserted, shall at all times, when thereunto required by Her Majesty's Deputy Post-Master General, the Commander of the Forces, or any person having the Command or Superintendence of any Police Force, and with the whole resources of the Company if necessary, carry Her Majesty's Mail, Her Majesty's Naval or Military Forces or Militia, and all Artillery, Ammunition or other Stores for their use, and all Policemen, Constables, and others travelling on Her Majesty's Service, on their Railroad or Railway; and shall, on being thereunto required as aforesaid, place any Electric Telegraph erected by them or belonging to them at the disposal of Her Majesty's Government, or of any such Officer as aforesaid; and all such services shall be performed on such terms

Preamble.

Every Railway Company in whose Act of Incorporation there is a provision inserted that the Railway shall be subject to any general law, shall be bound on being thereunto required to render certain services to the government in conveyance of the Troops, Mails, Police Forces, &c.

As to Electric Telegraphs belonging to such Company.

Conditions of such services how regulated. Certain inconsistent provisions in such Acts repealed.

and conditions, and under such regulations as the Company and the Deputy Post-Master General, the Commander of the Forces, or the person in Command of any Police Force, respectively shall agree upon, or if they cannot agree, then upon such terms and conditions and under such regulations as the Governor, or person administering the Government, shall in Council make ; and so much of any such Act as aforesaid as provides that such Company shall not, in performing any of the services aforesaid, be required to start any Train or Steamboat at any other time than their ordinary time of starting the same, shall be and is hereby repealed.

By-laws of such Company imposing Tolls, or affecting others than members not to be valid until sanctioned by the Governor in Council.

II. And be it enacted, That for and notwithstanding any thing to the contrary in the Act incorporating any such Company as aforesaid, or in any Act amending such Act, no By-law of such Company, by which any Tolls shall be imposed or altered, or by which any party other than the Members, Servants and Officers of the Company are intended to be bound, shall have any force or effect until the same shall have been approved and sanctioned by the Governor in Council.

AN ACT

To provide for affording the Guarantee of the Province to the Bonds of Railway Companies on certain conditions, and for rendering assistance in the construction in the Halifax and Quebec Railway.

[PASSED 30th May, 1849.]

WHEREAS at the present day, the means of rapid and easy communication by Railway, between the chief centres of population and trade in any country and the more remote parts thereof, are become not merely advantageous, but essential to its advancement and prosperity; And whereas experience has shown, that whatever be the case in long settled, populous and wealthy countries, in those which are new and thinly peopled and in which capital is scarce, the assistance of Government is necessary, and may be safely afforded to the construction of lines of Railway of considerable extent; and that such assistance is best given by extending to Companies engaged in constructing Railways of a certain length, under Charter from, and consequently with the approval of the Legislature, the benefit of the guarantee of the Government, under proper conditions and restrictions, for loans raised by such Companies to enable them to complete their work: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*; and it is hereby enacted by the authority of the same, That it shall be lawful for the Governor in Council, on behalf of this Province, to guarantee the interest on loans to be raised by any Company chartered by the Legislature of this Province, for the construction of a Line of Railway not less than seventy-five miles in extent, within this Province, on condition,—That the rate of interest

Preamble.

Guarantee of the Province may be granted to loans raised by Railway Companies on certain conditions.

guaranteed shall not exceed six per cent. per annum,—that the sum on which interest shall be so guaranteed shall not be greater than that expended by the Company before the guarantee is given, and shall be sufficient to complete their road in a fitting manner, and to the satisfaction of the Commissioners of Public Works, provided always, that no such guarantee be given to any Company until one-half of the entire line of Road shall have been completed,—that the payment of the interest guaranteed by the Province shall be the first charge upon the Tolls and profits of the Company, and that no dividend shall be declared so long as any part of the said interest remains unpaid,—that so long as any part of the principal on which interest is guaranteed by the Province remains unpaid, no dividend shall be paid to the Stockholders, until a sum equal to three per cent. on the amount so remaining unpaid, shall have been set aside from the surplus profits of such Railroad, and paid over to the Receiver-General under the provisions hereinafter contained, as a Sinking Fund for the redemption of the debt on which interest is guaranteed as aforesaid,—and that the Province shall have the first hypothec, mortgage and lien upon the Road, Tolls and Property of the Company for any sum paid or guaranteed by the Province, excepting always, the hypothec, mortgage or lien of holders of bonds or other securities on which interest is guaranteed by the Province, for the interest so guaranteed and the principal on which it shall accrue.

First hypothec and privilege in favor of the Province.

Railway Companies receiving guarantee to render half yearly accounts, to the Inspector General, attested on oath.

Sinking Fund monies how to be invested.

II. And be it enacted, That each Railway Company, deriving any aid or advantage under this Act, shall make up and render to the Inspector General of Public Accounts of this Province, each half year, a true account in writing of the affairs of such Company, in such form and with such particulars as the said Inspector General shall from time to time require, which said Accounts shall be signed by the President and the Directors of the said Company, or a quorum of that body, and shall be sworn to by the parties, signing the same before one of the Judges of the Superior Courts of common law jurisdiction in Upper Canada, or one of the Judges of the Court of Superior Civil Jurisdiction in Lower Canada, and the said Company or the proper officer thereof shall within ten days after the rendering of such account, pay over such amount as may be payable under the provisions of this Act to the Receiver General of this Province.

III. And be it enacted, That the sum or sums of money hereinbefore provided to be taken from the surplus profits of

any Railroad as a Sinking Fund, shall be invested by the Inspector General of this Province in such securities of this Province as may be approved by the Governor in Council : Provided always, that it shall be lawful for the Directors of any such Company to make such By-laws as may be requisite to prevent the provision of this Act in respect of such Sinking Fund from bearing unequally upon any class of Stockholders.

IV. And be it enacted, That, provided the conditions mentioned in the foregoing Section be observed, it is expedient that such guarantee be afforded under such further terms and conditions as may be deemed necessary by the Governor in Council, and agreed to by the Company applying for such guarantee, it being clearly understood, that no enactments which the Legislature may thereafter make, to ensure the observance of such terms and conditions, or to give effect to the privileged claim and lien of the Province upon the Road, Tolls and Property of the Company, or to secure the Province from loss by such guarantee, shall be deemed an infringement of the rights of the Company.

Further conditions may be agreed upon by the Governor in Council and the Company

V. And whereas the proposed Railway between Halifax and Quebec will be a great national work, linking together the several portions of the British Empire on the continent of North America, and facilitating the adoption of an extensive, wholesome and effective system of Emigration and Colonisation, and it is right that Canada should render such assistance as her means will admit of towards the accomplishment of a work so important and promising results so beneficial : Be it therefore enacted, That if Her Majesty's Government shall undertake the construction of the said Railway, either directly or through the instrumentality of a private Company, it shall be lawful for the Governor in Council, on behalf of this Province, to undertake to pay yearly, in proportion as the work advances, a sum not exceeding twenty thousand pounds sterling towards making good the deficiency (if any) in the income from the Railway, to meet the interest of the sum expended upon it, and to place at the disposal of the Imperial Government all the ungranted lands within the Province lying on the line of the Railway, to the extent of ten miles on each side thereof, and to undertake to obtain, pay for and place at the disposal of the Imperial Government, all the land required within the Province for the line of the Railway, and for proper Stations and Termini.

Recital.

Aid to the Quebec and Halifax Railway.

Under what
provisions
lands may be
taken, for the
Quebec and
Halifax Rail-
way.
9 V. c. 37.

VI. And be it enacted, That any lands to be taken under the provisions of the next preceding Section, for the purposes therein mentioned, shall be deemed to be lands required for Public Provincial Works, and may be taken by the Commissioners of Public Works under the provisions of the Act passed in the ninth year of Her Majesty's Reign, and intituled, *An Act to amend the Law constituting the Board of Works*, and of any Act amending the same.

As to monies
advanced
under this
Act.

VII. And be it enacted, That any monies which shall be payable on behalf of the Province under any of the provisions of this Act, may be paid out of any unappropriated monies forming part of the Consolidated Revenue Fund; and that all monies due by any Company as having been paid for them under any guarantee given under this Act, shall be deemed monies due by such Company to Her Majesty, payable according to the provisions of this Act, and the conditions agreed upon by the Governor in Council and such Company.

AN ACT

To consolidate and regulate the General Clauses relating to
Railways.

[PASSED 30TH AUGUST, 1851.]

WHEREAS it is expedient to establish a general and uniform system for the construction and management of all Railways hereafter to be undertaken in Canada; Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That this Act shall apply to every Railway which shall by any Act which shall hereafter be passed be authorized to be constructed, and this Act shall be incorporated with such Act; and all the clauses and provisions of this Act, save in so far as they shall be expressly varied or excepted by any such Act, shall apply to the undertaking authorized thereby, so far as the same shall be applicable to such undertaking, and shall, as well as the clauses and provisions of every other Act which shall be incorporated with such Act, form part of such Act, and be construed together therewith as forming one Act.

II. And be it enacted, That in citing this Act, in any Special Railway Act and in other Acts of Parliament, and in legal instruments, it shall be sufficient to use the expression, "*The Railway Clauses Consolidation Act.*"

III. And be it enacted, That for the purpose of making any incorporation of this Act with Special Acts hereafter to be passed, it shall be sufficient in any such Acts to enact, that the Clauses of this Act, with respect to the matter so proposed to be incorporated, describing such matter as it is described in this Act, in the word or words at the head of and in-

Preamble.

This Act to apply to any Railway to be hereafter constructed.

Name by which it shall be cited.

What shall be sufficient in making an incorporation of this Act with Special Acts.

troductory to the enactment with respect to such matter, shall be incorporated with such Acts, and thereupon all the clauses and provisions of this Act, with respect to the matter so incorporated, shall, save in so far as they shall be expressly varied or excepted by such Acts, form part thereof, and such Acts shall be construed as if the substance of such Clauses and provisions were set forth therein with reference to the matter to which such Acts shall relate.

Power to
construct
Railway, &c.
to be exer-
cised subject
to provisions
of this Act.

IV. And be it enacted, That the power given by the Special Act to construct the Railway, and to take lands for that purpose, shall be exercised subject to the provisions and restrictions contained in this Act, and compensation shall be made to the owners and occupiers of and all other parties interested in any such lands so taken or injuriously affected by the construction of the Railway, for the value and for all damages sustained by reason of such exercise, as regards such lands, of the powers by this or the Special Act, or any Act incorporated therewith, vested in the Company; and, except where otherwise provided by this Act or the Special Act, the amount of such compensation shall be ascertained and determined in the manner provided by this Act.

(Sections 5 and 6 are repealed by 16 Vic., Cap. 2.)

INTERPRETATION.

Interpreta-
tion of words

VII. And with respect to the construction of this Act, and of any Special Act, and of other Acts to be incorporated therewith, Be it enacted as follows:

"The Special
Act."

Firstly. The expression "the Special Act," used in this Act, shall be construed to mean any Act which shall be hereafter passed, authorizing the construction of a Railway and with which this Act shall be so incorporated as aforesaid; and the

"Prescribed"

word "prescribed," used in this Act in reference to any matter herein stated, shall be construed to refer to such matter as the same shall be prescribed or provided for in the Special Act; and the sentence in which such word shall occur shall be construed as if, instead of the word "prescribed," the expression "prescribed for that purpose in the Special Act" had been

"The lands."

used; and the expression "the lands" shall mean the lands which shall by the Special Act be authorised to be taken or

"The under-
taking."

used for the purpose thereof; and the expression "the undertaking" shall mean the Railway and works, of whatever description, by the Special Act authorised to be executed.

Secondly. The following words and expressions, both in this and the Special Act, shall have the meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction, that is to say :

The word "Lands" shall include all real estate, messuages, lands, tenements and hereditaments of any tenure: "Lands."

The word "Lease" shall include any agreement for a lease: "Lease."

The word "Toll" shall include any rate or charge or other payment payable under this Act or the Special Act for any passenger animal, carriage, goods, merchandize, articles, matters or things conveyed on the Railway: "Toll."

The word "Goods" shall include things of every kind conveyed upon the Railway, or upon Steam or other vessels connected therewith: "Goods."

The expression "Superior Courts" shall mean the Courts of Chancery, Queen's Bench and Common Pleas in Upper Canada, and the Superior Court in Lower Canada, as the case may be: "Superior Courts."

The word "County" shall include any union of Counties, County Riding, or like division of a County in the Province or any division thereof into separate Municipalities in Lower Canada: "County."

The word "Highways" shall mean all public roads, streets, lanes, and other public ways and communications: "Highways."

The word "Sheriff" shall include under Sheriff, or other legal competent Deputy; and where any matter in relation to any lands is required to be done by any Sheriff or Clerk of the Peace, the expression "the Sheriff," or the expression "Clerk of the Peace," shall in such case be construed to mean the Sheriff or Clerk of the Peace of the District, County, Riding, Division, or place where such lands shall be situate; and if the lands in question, being the property of one and the same party, be situate not wholly in one District, County, Riding, Division or place, the same expression shall be construed to mean the Sheriff or Clerk of the Peace of any such District, County, Riding, Division, or place where any part of such lands shall be situate: "Sheriff."

The word "Justice" shall mean Justice of the Peace acting for the District, County, Riding, Division, City or place where the matter requiring the cognizance of any such Justice shall arise and who shall not be interested in the matter; and where such matter shall arise in respect of lands being the property of one and the same party, situate not wholly "Justice."

in any one District, County, Riding, Division, City or place, shall mean a Justice acting for the District, County, Riding, Division, City or place where any part of such lands shall be situate, and who shall not be interested in such matter; and where any matter shall be authorized or required to be done by two Justices, the expression "two Justices" shall be understood to mean two Justices assembled and acting together :

"Two Justices."

Where, under the provisions of this Act, or the Special Act, any notice shall be required to be given to the owner of any lands, or where any Act shall be authorized or required to be done with the consent of any such owner, the word "owner" shall be understood to mean any Corporation or person who, under the provisions of this Act, or the Special Act, or any Act incorporated therewith, would be enabled to sell and convey lands to the Company :

"Owner."

"The Company."

The expression "the Company" shall mean the Company or party which shall be authorized by the Special Act to construct the Railway.

"The Railway."

The expression "the Railway" shall mean the Railway and works by the Special Act authorized to be constructed.

"Clause."

The word "Clause" shall mean any separate section of this Act, or any other Act therein referred to, distinguished by a separate number.

"Shareholder."

The word "Shareholder" shall mean every subscriber to or holder of stock in the undertaking, and shall extend to and include the personal representatives of the Shareholder.

Interpretation Act to apply.

Thirdly. The Interpretation Act of this Province shall, in so far as the provisions thereof shall apply hereto, be deemed to form part hereof in the particulars not provided herein.

INCORPORATION.

Companies established under Special Acts, declared to be bodies corporate, &c.

VIII. And be it enacted, That every Company established under any Special Act, shall be and is hereby declared to be a body corporate under such name as shall be declared in the Special Act, and shall be and is hereby invested with all the powers, privileges and immunities which are or may be necessary to carry into effect the intentions and objects of this Act, and of the Special Act therefor, and which are

incident to such Corporation, as are expressed or included in the Interpretation Act of this Province.*

POWERS.

IX. And be it enacted, That the Company shall have Powers : power and authority :

Firstly. To receive, hold and take voluntary grants and donations of land or other property which shall be made to it, to aid in the construction, maintenance and accommodation of the Railway, but which shall be held and used for the purpose of such grants or donations only. To receive grants of land, &c. ;

Secondly. To purchase, hold and take of any Corporation or person any land or other property necessary for the construction, maintenance, accommodation and use of the Railway, and also to alienate, sell or dispose of the same. Purchase land :

Thirdly. To take, use, occupy and hold, but not to alienate except by way of lease, so much of the public beach or of the land covered with waters of any river or lake in this Province as may be required for the Railway, doing no damage to, nor causing any obstruction in the navigation of the said rivers or lakes, provided that the lease shall be conditioned not to extend beyond the time during which such beach or land is required for the Railway. Occupy beaches ,

Fourthly. To make, carry or place the Railway across or upon the lands of any Corporation or person whomsoever on the line of the Railway, or within the distance from such line as may be stated in the Special Act, although the name of such party be not entered in the Book of Reference hereinafter mentioned through error or any other cause, or although some other party be erroneously men- Carry Railway across lands of Corporation, &c.

* By 12 Victoria, Chapter 10, Section 5, it is enacted That *Twenty-fourthly*, Words making any association or number of persons or body politic and corporate, shall be construed to vest in such Corporation, power to sue and be sued, contract and be contracted with, by their corporate name, to have a common seal, and to alter and change the same at their pleasure, and to have perpetual succession and power to acquire and hold personal property or moveables for the purposes for which the corporation is constituted, and to alienate the same at pleasure ; and also to vest in any majority of the members of the Corporation, the power to bind the others by their acts ; and also to exempt the individual members of the Corporation from personal liability for its debts or obligations or acts, provided they do not contravene the provisions of the Act incorporating them ; but it shall not be lawful for any Corporation to carry on the business of banking, unless, when such power shall be expressly conferred on them by the Act creating such Corporation.

(Interpretation Act.)

tioned as the owner of or entitled to convey, or be interested in such lands

And across
or along
streams, &c.;

Fifthly. To construct, maintain and work the Railway across, along, or upon any stream of water, water, course, canal, highway, or railway which it shall intersect or touch; but the stream, water course, highway, canal or railway so intersected or touched, shall be restored by the Company to its former state, or to such state as not to have impaired its usefulness.

Complete
Railway
with one or
more tracks,
&c.;

Sixthly. To make, complete, alter and keep in repair the Railway with one or more sets of rails or tracks to be worked by the force and power of steam or of the atmosphere, or of animals, or by mechanical power, or by any combination of them.

Erect neces-
sary build-
ings, whar-
ves, &c.;

Seventhly. To erect and maintain all necessary and convenient buildings, stations, depots, wharves and fixtures, from time to time to alter, repair or enlarge the same, and to purchase and acquire stationary or locomotive engines and carriages, waggons, floats and other machinery, and contrivances necessary for the accommodation and use of the passengers, freights and business of the Railway.

Branch Rail-
ways;

Eighthly. To make branch Railways, if required and provided by the Special Act, and to manage the same, and for that purpose to exercise and possess all the powers, privileges and authorities necessary therefor, in as full and ample a manner as for the Railway.

All other
matters and
things neces-
sary for Rail-
way;

Ninthly. To construct, erect and make all other matters and things which shall be necessary and convenient for the making, extending and using of the Railway, in pursuance of and according to the meaning and intent of this Act, and of the Special Act.

Convey per-
sons and
goods on
Railway;

Tenthly. To take, transport, carry and convey persons and goods on the Railway, to regulate the time and manner in which the same shall be transported, and the tolls and compensation to be paid therefor, and to receive such tolls and compensation.

Borrow mo-
ney, &c.

Eleventhly. To borrow from time to time, either in this Province or elsewhere, such sums of money: may be expedient for completing, maintaining and working the Railway, and at a rate of interest not exceeding eight per cent. per annum, and to make the Bonds, Debentures or other securities granted for the sums so borrowed, payable either in currency or in sterling, and at such place or places within this Province or without as may be deemed advisable, and to

sell the same at such prices or discount as may be deemed expedient, or as shall be necessary, and to hypothecate, mortgage or pledge the lands, tolls, revenues, and other property of the Company, for the due payment of the said sums and the interest thereon, but no such debenture shall be for a less sum than Twenty-five Pounds.

Twelfthly. To enter into and upon any lands of Her Majesty without previous license therefor, or of any Corporation or person whatsoever lying in the intended route or line of the Railway. Enter upon
Her Majesty's
Lands,
&c.;

Thirteenthly. To make surveys, examinations, or other necessary arrangements on such lands necessary for fixing the site of the Railway, and to set out and ascertain such parts of the lands as shall be necessary and proper for the Railway. Make sur-
veys of lands

Fourteenthly. To fell or remove any trees standing in any woods, lands or forests, where the Railway shall pass, to the distance of six rods from either side thereof. Remove
trees.

Fifteenthly. To cross, intersect, join and unite the Railway with any other Railway, at any point on its route, and upon the lands of such other Railway with the necessary conveniences for the purposes of such connection; and the owners of both Railways may unite in forming such intersection, and grant the facilities therefor; and in case of disagreement upon the amount of compensation to be made therefor, or upon the point or manner of such crossing and connection, the same shall be determined by Arbitrators to be appointed by a Judge of the Superior Courts in Lower Canada or Upper Canada, as the case may be. Unite with
other Rail-
ways.

PLANS AND SURVEYS.

X. And be it enacted, That Plans and Surveys shall be made and corrected as follows.

Firstly. Surveys and levels shall be taken and made of the lands through which the Railways is to pass, together with a 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 a Book of Reference for the Railway, in which shall be set forth a general description of the said lands, the names of the owners and occupiers thereof, so far as they can be ascertained, and every thing necessary for the right understanding of such Map or Provision re-
specting sur-
veys and le-
vels.

Plan; and the Map or Plan and Book of Reference shall be examined and certified by the person performing the duties formerly assigned to the Surveyor General or his Deputies, who shall deposit copies thereof in the Office of the Clerks of the Peace in the Districts or Counties through which the Railway shall pass, and also in the Office of the Secretary of the Province, and shall also deliver one copy thereof to the said Company; and all persons shall have liberty to resort to such copies, and to make extracts or copies thereof, as occasion shall require, paying to the said Secretary of the Province, or to the said Clerks of the Peace, at the rate of Sixpence for every hundred words; and the said triplicates of the said Map or Plan and Book of Reference so certified, or a true copy thereof certified by the Secretary of the Province or by the Clerks of the Peace, shall be, and is and are hereby declared to be good evidence in any Court of Law and elsewhere.

Omissions
how remedied.

Secondly. Any omission, misstatement or erroneous description of such lands, or of such owners or occupiers thereof, in any Map or Plan or Book of Reference, may be corrected by two Justices on application made to them, after giving ten days' notice to the owners of such lands, for the correction thereof, and the Justices shall certify the same accordingly if it shall appear to them that such omission, misstatement or erroneous description arose from mistake; and the Certificate shall state the particulars of any such omission and the manner thereof, and shall be deposited with the said Clerks of the Peace of the Districts or Counties respectively in which such lands shall be situate, and be kept by them respectively along with the other documents to which they relate; and thereupon, such Map or Plan or Book of Reference shall be deemed to be corrected according to such Certificate; and it shall be lawful for the Company to make the Railway in accordance with such Certificate.

Alterations
from original
survey.

Thirdly. If any alterations from the original Plan or Survey be intended to be made in the line or course of the Railway, a Plan and Section in triplicate of such alterations as shall have been approved of by Parliament, on the same scale and containing the same particulars as the original Plan and Survey, shall be deposited in the same manner as the original plan, and copies or extracts of such Plan and Section as shall relate to the several Districts or Counties in or through which such alterations shall have been authorized to be made, shall

be deposited with the Clerks of such several Districts and Counties.

Fourthly. Until such original Map or Plan and Book of Reference, or the Plans and Sections of the alterations, shall have been deposited as aforesaid, the execution of the Railway, or of the part thereof affected by the alterations, as the case may be, shall not be proceeded with.

Railway not to be proceeded with until Map, &c. deposited.

Fifthly. The Clerks of the Peace shall receive and retain the copies of the original Plans and Surveys, and copies of the Plans and Sections of alterations, and copies and extracts thereof respectively, and shall permit all persons interested to inspect any of the documents aforesaid, and to make copies and extracts of and from the same, under a penalty for default of One Pound Currency.

Clerks of the Peace to receive copies original plan &c.

Sixthly. The copies of the Maps, Plans, and Books of Reference, or of any alteration or correction thereof, or extracts therefrom, certified by any such Clerk of the Peace, which Certificate such Clerk of the Peace shall give to all parties interested when required, shall be received in all Courts of Justice or elsewhere as good evidence of the contents thereof.

Copies certified to be good evidence in Courts.

Seventhly. No deviation of more than one mile from the line of the Railway or from the places assigned thereto, in the said Map or Plan and Book of Reference or Plans or Sections shall be made, nor into, through, across, under or over any part of the lands not shewn in such Map or Plan and Book of Reference, or Plans or Sections, or within one mile of the said line and place, save in such instances as are provided for in the Special Act.

Line not to deviate more than a mile.

Eighthly. Provided that the Railway may be carried across or upon the lands of any person on the line, or within the distance from such line as aforesaid, although the name of such person be not entered in the Book of Reference through error or any other cause, or although some other person be erroneously mentioned as the owner of or entitled to convey, or be interested in such lands.

Error in the name of a person entered in a Book of Reference.

Ninthly. The lands which may be taken without the consent of the proprietor thereof, shall not exceed thirty yards in breadth, except in such places where the Railway shall be raised more than five feet higher, or cut more than five feet deeper than the surface of the line, or where offsets shall be established, or where stations, depots or fixtures are intended to be erected, or goods be delivered, and then not more than two hundred yards in length by one hundred and fifty yards in

Extent of lands to be taken without consent of proprietor

breadth, without the consent of the person authorized to such land; and the places at which such extra breadth is to be taken shall be shewn on the Map or Plan, or Plans or Sections, so far as the same may be then ascertained, but their not being so shewn shall not prevent such extra breadth from being taken provided it be taken upon the line shewn or within the distance aforesaid from such lines.

Extent of
public beach
to be taken.

Tenthly. The extent of the public beach, or of the land covered with the waters of any river or lake in this Province taken for the Railway, shall not exceed the quantity, limited in the next preceding clause.

LANDS AND THEIR VALUATION.

XI. And be it enacted, That the conveyance of lands, their valuation and the compensation therefor, shall be made in manner following:

Corporation,
&c. may con-
vey lands.

Firstly. All Corporations and persons whatever, tenants in tail or for life, *graves de substitution*, guardians, curators, executors, administrators, and all other trustees whatsoever not only for and on behalf of themselves, their heirs and successors, but also for and on behalf those whom they represent, whether infants, issue unborn, lunatics, idiots, *femes-covert*, or other persons, who are or shall be seized, possessed of or interested in any lands, may contract for, sell and convey unto the Company all or any part thereof; and any contract, agreement, sale, conveyance and assurance so to be made, shall be valid and effectual in law to all intents and purposes whatsoever; any law, statute, usage or custom to the contrary thereof in anywise notwithstanding, and such Corporation or person, so conveying as aforesaid, is hereby indemnified for what he or it shall respectively do by virtue of or in pursuance of this Act.

Effect of con-
tracts made
before depo-
sit of map.

Secondly. Provided, that any contract or agreement made by any party authorized by this Act to convey lands, and made before the deposit of the Map or Plan and Book of Reference, and before the setting out and ascertaining of the lands required for the Railway, shall be binding at the price agreed upon for the same lands, if they shall be afterwards so set out and ascertained within one year from the date of the contract or agreement, and although such land may, in the mean time, have become the property of a third party; and possession of the land may be taken and the agreement and price may be dealt with, as if such price had been fixed

by an award of Arbitrators as hereinafter provided, and the agreement shall be in the place of an award.

Thirdly. All Corporations or persons who cannot in common course of law sell or alienate any lands so set out and ascertained, shall agree upon a fixed annual rent as an equivalent, and not upon a principal sum, to be paid for the lands; and if the amount of the rent shall not be fixed by voluntary agreement or compromise, it shall be fixed in the manner herein prescribed, and all proceedings shall in that case be regulated as herein prescribed; and for the payment of the said annual rent, and every other annual rent agreed upon or ascertained, and to be paid for the purchase of any lands, or for any part of the purchase money of any lands, which the vendor shall agree to leave unpaid, the Rail-way and the tolls thereon shall be and are hereby made liable and chargeable in preference to all other claims and demands thereon whatsoever, the Deed creating such charge and liability being duly registered in the Registry Office of the proper County.

Corporations who cannot sell, may agree upon a fixed rent.

Fourthly. Whenever there shall be more than one party proprietor of any land as joint tenant or tenants in common, or *par indivis*, any contract or agreement made in good faith with any party or parties proprietor or being together proprietors of one third or more of such land, as to the amount of compensation for the same or for any damages thereto, shall be binding as between the remaining proprietor or proprietors as joint tenants or tenants in common and *par indivis*; and the proprietor or proprietors who have so agreed, may deliver possession of such land, or empower the entry upon the same, as the case may be.

As to proprietors *par indivis*.

Fifthly. After one month from the deposit of the Map or Plan and Book of Reference as aforesaid, and from notice thereof in at least one newspaper, if there be any, published in each of the Districts and Counties through which the Rail-way is intended to pass, application may be made to the owners of lands or to parties empowered to convey lands, or interested in lands which may suffer damage from the taking of materials or the exercise of any of the powers granted for the Rail-way, and thereupon, agreements and contracts may be made with the said parties touching the said lands or the compensation to be paid for the same, or for the damages, or as to the mode in which the said compensation shall be ascertained, as shall seem expedient to both parties, and in case of disagreement between them, or any of them, then all ques-

After one month's notice of deposit of map, &c., application to the owner of lands.

tions which shall arise between them, shall be settled as follows, that is to say :

Deposit to be
general notice.

Sixthly. The deposit of a Map or Plan and Book of Reference, and the notice of such deposit, given as aforesaid, shall be deemed a general notice to all such parties as aforesaid of the lands which will be required for the said Rail-way and works.

Notice to opposite party.

Seventhly. The notice served upon the party shall contain a description of the lands to be taken, or of the powers intended to be exercised with regard to any lands, describing them ; a declaration of readiness to pay some certain sum or rent, as the case may be, as compensation for such lands or for such damages, and the name of a person to be appointed as the Arbitrator of the Company, if their offer be not accepted : and such notice shall be accompanied by the Certificate of a Sworn Surveyor for Upper Canada or Lower Canada, as the case may be, disinterested in the matter, and not being the Arbitrator named in the notice, that the land, if the notice relate to the taking of land, shown on the said Map or Plan and, is required for the Rail-way, or is within the limits of deviation hereby allowed ; that he knows the land, or the amount of damage likely to arise from the exercise of the powers ; and that the sum so offered, is, in his opinion, a fair compensation for the land, and for the damages as aforesaid.

Sic.

If the party
be absent or
unknown.

Eighthly. If the opposite party be absent from the District or County in which the lands lie, or be known, then upon application to a Judge of the District, County or Circuit Court, as the case may be, accompanied by such Certificate as aforesaid, and by an affidavit of some officer of the Company that the opposite party is so absent or that after diligent enquiry, the party on whom the notice ought to be served cannot be ascertained, the Judge shall order a notice as aforesaid, but without a Certificate, to be inserted three times in the course of one calender month in some newspaper published in the said District or County.

Party not
accepting
the Compa-
ny's offer,
and not ap-
pointing an
arbitrator.

Ninthly. If within ten days after the service of such notice, or within one month after the first publication thereof as aforesaid, the opposite party shall not notify to the Company his acceptance of the sum offered by them, or notify to them the name of a person whom he appoints as Arbitrator, then the Judge shall, on the application of the Company, appoint a Sworn Surveyor for Upper or Lower Canada, as the case

may be, to be sole Arbitrator for determining the compensation to be paid as aforesaid.

Tenthly. If the opposite party shall, within the time aforesaid, notify to the Company the name of his Arbitrator, then the two Arbitrators shall jointly appoint a third, or if they cannot agree upon a third, then the Judge shall, on the application of the party or of the Company, (previous notice of at least one clear day having been given to the other party) appoint a third Arbitrator.

Appointment
of arbitra-
tors by op-
posite party.

Third arbi-
trator.

Eleventhly. The Arbitrators, or any two of them, or the sole Arbitrator, being sworn before some Justice of the Peace for the District or County in which the lands lie as aforesaid, faithfully and impartially to perform the duties of their office, shall proceed to ascertain the said compensation in such way as they or he, or a majority of them, shall deem best, and the award of such Arbitrators, or any two of them, or of the sole Arbitrator, shall be final and conclusive: Provided that no such award shall be made, or any official act be done by such majority, except at a meeting held at a time and place of which the other Arbitrator shall have at least one clear day's notice, or to which some meeting at which the third Arbitrator was present, shall have been adjourned; and no notice to either of the parties shall be necessary, but they shall be held sufficiently notified through the Arbitrator they shall have appointed, or whose appointment they shall have required.

Duties of ar-
bitrators.

Proviso.

Twelfthly. Provided, that if in any case where three Arbitrators shall have been appointed, the sum awarded be not greater than that offered, the costs of the Arbitration shall be borne by the opposite party, and deducted from the compensation, but if otherwise, they shall be borne by the Company, and in either case they may, if not agreed upon, be taxed by the Judge aforesaid.

Costs how
paid.

Thirteenthly. The Arbitrators, or a majority of them, or the sole Arbitrator, may examine on oath or solemn affirmation, the parties, or such witnesses as shall voluntarily appear before him or them, and may administer such oath or affirmation; and any wilfully false statement made by any witness, under such oath or affirmation, shall be deemed wilful and corrupt perjury, and punishable accordingly.

Arbitrators
may exam-
ine on oath.

Fourteenthly. The Judge by whom any third Arbitrator or sole Arbitrator shall be appointed, shall at the same time, fix a day on or before which the award shall be made, and if the same be not made on or before such day, or some other day

Time within
which award
must be
made

to which the time for making it shall have been prolonged, either by the consent of the parties or by the order of the Judge (as it may be for reasonable cause shewn, on the application of such sole Arbitrator or of one of the Arbitrators after one clear day's notice to the others,) then, the sum offered by the Company as aforesaid, shall be the compensation to be paid by them.

Arbitrator
dying, &c.

Fifteenthly. If the Arbitrator appointed by such Judge, or if any Arbitrator appointed by the parties, shall die before the award be made, or be disqualified, or refuse or fail to act within a reasonable time, then, upon the application of either party, such Judge being satisfied by affidavit, or otherwise of such disqualification, refusal or failure, may, in his discretion, appoint another Arbitrator in the place of him by the Judge previously appointed, and the Company and party may each appoint an Arbitrator in the place of their Arbitrator deceased or otherwise not acting as aforesaid, but no recommencement or repetition of prior proceedings shall be required in any case.

Company
may desist,
paying costs.

Sixteenthly. Any such notice for lands, as aforesaid, may be desisted from, and new notice given, with regard to the same or other lands, to the same or any other party, but in any such case, the liability to the party first notified for all damages or costs by him incurred in consequence of such first notice and desistment, shall subsist.

Arbitrators
disqualified
for certain
circumstan-
ces.

Seventeenthly. The Surveyor or other person offered or appointed, as Valuator or as Arbitrator, shall not be disqualified by reason that he is professionally employed by either party, or that he has previously expressed an opinion, as to the amount of compensation, or that he is related or of kin to any member of the Company, provided he is not himself personally interested in the amount of the compensation; and no cause of disqualification shall be urged against any Arbitrator appointed by the Judge after his appointment, but shall be made before the same, and its validity or invalidity shall be summarily determined by the Judge; and no cause of disqualification shall be urged against any Arbitrator appointed by the Company or by the opposite party after the appointment of a third Arbitrator; and the validity or invalidity of any cause of disqualification urged against any such Arbitrator, before the appointment of a third Arbitrator, shall be summarily determined by any such Judge, on the application of either party; after one clear day's notice to the other, and if such cause be determined to be valid, the

appointment shall be null, and the party offering the person so adjudged to be disqualified, shall be held to have appointed no Arbitrator.

Eighteenthly. No award made as aforesaid shall be invalidated from any want of form or other technical objection, if the requirements of this Act shall have been complied with, and if the award shall state clearly the sum awarded, and the lands or other property, right or thing for which such sum is to be the compensation; nor shall it be necessary that the party, or parties to whom the sum is to be paid, be named in the award.

Awards not
avoided for
want of form

Nineteenthly. Upon payment or legal tender of the compensation or annual rent so awarded or agreed upon as aforesaid to the party entitled to receive the same, or upon the deposit of the amount of such compensation in the manner hereinafter mentioned, the award or agreement shall vest in the said Company the power forthwith to take possession of the lands, or to exercise the right, or to do the thing for which such compensation or annual rent shall have been awarded or agreed upon; and if any resistance or forcible opposition shall be made by any person, to their so doing, the Judge, may, on proof to his satisfaction of such award or agreement, issue his Warrant to the Sheriff of the District or County, or to a Bailiff, as he may deem most suitable, to put the said Company in possession, and to put down such resistance or opposition, which the Sheriff or Bailiff, taking with him sufficient assistance, shall accordingly do: Provided that such Warrant may also be granted by any such Judge, without such award or agreement, on affidavit to his satisfaction that the immediate possession of the lands or of the power to do the thing mentioned in the notice, is necessary to carry on some part of the said Railway with which the said Company are ready forthwith to proceed; and upon the said Company giving security to his satisfaction, and in a sum which shall not be less than double the amount mentioned in the notice, to pay or deposit the compensation to be awarded within one month after the making of the award, with interest from the time at which possession shall be given, and with such costs as may be lawfully payable by the Company.

Possession
may be
taken, on
payment,
tender, &c.,
of sum awarded.

Proviso.

Twentiethly. The compensation for any lands which might be taken without the consent of the proprietor, shall stand in the stead of such lands; and any claim to or incumbrance upon the said lands, or any portion thereof, shall, as against the Company, be converted into claim to the compensation,

As to incumbrances upon lands &c., purchased or taken in Upper Canada.

Proviso.

or to a like proportion thereof, and they shall be responsible accordingly whenever they shall have paid such compensation or any part thereof, to a party not entitled to receive the same, saving always their recourse against such party: Provided that if the Company shall have reason to fear any claims or incumbrances, or if any party to whom the compensation or annual rent, or any part thereof shall be payable, shall refuse to execute the proper conveyance and guarantee, or if the party entitled to claim the same cannot be found, or be unknown to the Company, or if for any other reason the Company shall deem it advisable, it shall be lawful, if the lands be situated in Upper Canada, for them to pay such compensation into the office of either of the Superior Courts for Upper Canada, with the interest thereon for six months, and to deliver to the Clerk of the Court an authentic copy of the conveyance, or of the award or agreement if there be no conveyance, and such award or agreement shall thereafter be deemed to be the title of the Company to the land therein mentioned; and a notice, in such form and for such time as the said Court shall appoint, shall be inserted in some newspaper, if there be any published in the County in which the lands are situate, and in the City of Toronto, which shall state that the title of the Company, that is, the conveyance, agreement or award, is under this Act, and shall call upon all persons entitled to the land, or to any part thereof, or representing or being the husbands of any parties so entitled, to file their claims to the compensation or any part thereof, and all such claims shall be received and adjudged upon by the Court, and the said proceedings shall for ever bar all claims to the lands, or any part thereof, including dower, as well as all mortgages or incumbrances upon the same; and the Court shall make such order for the distribution, payment or investment of the compensation, and for the securing of the rights of all parties interested, as to right and justice, and according to the provisions of this Act, and the Special Act and to law, shall appertain; and the costs of the proceedings, or any part thereof, shall be paid by the Company, or by any other party as the Court shall deem it equitable to order; and if such order of distribution as aforesaid be obtained in less than six months from the payment of the compensation into Court, the Court shall direct a proportionate part of the interest to be returned to the Company, and if from any error, fault or neglect of the Company, it shall not be obtained until after the six months are expired, the Court shall order the Company to

pay to the proper claimants the interest for such further period as may be right.

Twenty-firstly. If the lands so taken be situate in Lower Canada, and if the said Company shall have reason to fear any such claim, mortgage, hypothec or incumbrance, or if any party to whom the compensation or annual rent, or any part thereof, shall be payable, shall refuse to execute the proper conveyance and guarantee, or if the party entitled to claim the compensation or rent cannot be found, or be unknown to the Company, or if for any other reason the Company shall deem it advisable, it shall be lawful for them to pay such compensation into the hands of the Prothonotary of the Superior Court for the District in which such land is situate, with the interest thereon for six months, and to deliver to the said Prothonotary an authentic copy of the conveyance, or of the award, if there be no conveyance, and such award shall thereafter be deemed to be the title of the said Company to the land therein mentioned, and proceedings shall thereupon be had for the conformation of the title of the said Company, in like manner as in other cases of confirmation of title, except that, in addition to the usual contents of the notice, the Prothonotary shall state that the title of the Company (that is, the conveyance or award) is under this Act, and shall call upon all persons entitled to the lands, or any part thereof, or representing or being the husband of any party so entitled, to file their oppositions for their claims to the compensation, or any part thereof, and all such oppositions shall be received and adjudged upon by the Court, and the judgment or confirmation shall for ever bar all claims to the land or any part thereof (including dower not yet open), as well as any mortgage, hypothec or incumbrance upon the same; and the Court shall make such order for the distribution, payment or investment of the compensation, and for security of the rights of all parties interested, as to right and justice, and the Special Act, and according to the provisions of this Act and to law, shall appertain; and the costs of the said proceedings, or any part thereof, shall be paid by the Company, or by any other party, as the Court shall deem it equitable to order; and if judgment of confirmation be obtained in less than six months from the payment of the compensation to the Prothonotary, the Court shall direct a proportionate part of the interest to be returned to the Company, and if from any error, fault or neglect of the Company, it shall not be obtained until after the six months are

Case in which lands are situate in Lower Canada, and Company have reason to fear incumbrances, provided for.

expired, the Court shall order the Company to pay the Prothonotary the interest for such further period as may be right.

Case in
which Rail-
way shall
pass through
Indian lands
provided for.

Twenty-secondly. If the said Railway shall pass through any land belong to or in possession of any Tribe of Indians in this Province, or if any act occasioning damage to their lands shall be done under the authority of this Act or the Special Act, compensation shall be made to them therefor, in the same manner as is provided with respect to the lands or rights of other individuals; and whenever it shall be necessary that Arbitrators shall be chosen by the parties, the Chief Officer of the Indian Department within this Province, is hereby authorized and required to name an Arbitrator on behalf of the Indians, and the amount which shall be awarded in any case shall be paid, where the lands belong to the Indians, to the said Chief Officer, for the use of such Tribe or Body.

As to lands
belonging to
Her Majesty,
&c.

Twenty-thirdly. Whenever it shall be necessary for the Company to occupy any part of the lands belonging to the Queen's Majesty, reserved for Naval or Military purposes, they shall first apply for and obtain the license or consent of Her said Majesty under the Hand and Seal of the Governor for the time being, and having obtained such license and consent, they may at any time or times enter into or upon, have, hold, use, occupy and enjoy any of the said lands for the purposes of the Rail-way; Provided always that in the case of any such Naval or Military Reserves, no such license or consent shall be given but upon a Report first made thereupon by the Naval or Military authorities in which such lands shall for the time being be vested, approving of such license and consent being so given as aforesaid.

Proviso.

HIGHWAYS AND BRIDGES.

XII. And be it enacted, That the Highways and Bridges shall be regulated as follows:

Railway not
to be carried
along any
highway
without
leave from
Municipal
authorities.

Firstly. The Rail-way shall not be carried along any existing Highway, but merely cross the same in the line of the Railway, unless leave be obtained from the proper Municipal authority therefor; and no obstruction of such Highway with the works shall be made without turning the Highway so as to leave an open and good passage for carriages, and, on completion of the works, replacing the Highway, under a penalty of not less than Ten Pounds for

any contravention; but, in either case, the rail itself, provided it does not rise above or sink below the surface of the road more than one inch, shall not be deemed an obstruction.

Secondly. No part of the Railway which shall cross any Highway without being carried over by a Bridge, or under by a Tunnel, shall rise above or sink below the level of the Highway more than one inch; and the Rail-way may be carried across or above any Highway within the limits aforesaid.

Railway not to rise more than one inch above level of highways when crossing the same.

Thirdly. The space of the arch of any Bridge erected for carrying the Railway over or across any Highway shall at all times be, and be continued of the open and clear breadth and space, under such arch, of not less than twenty feet, and of a height from the surface of such Highway to the centre of such arch of not less than twelve feet; and the descent under any such Bridge shall not exceed one foot in twenty feet.

Height and breadth of bridge over highways.

Fourthly. The ascent of all Bridges erected to carry any Highway over any Railway shall not be more than one foot in twenty feet increase over the natural ascent of the Highway; and a good and sufficient fence shall be made on each side of every Bridge, which fence shall not be less than four feet above the surface of the Bridge.

Ascent of bridges.

Fifthly. Signboards stretching across the Highway crossed at a level by any Railway, shall be erected and kept up at each crossing at such height as to leave sixteen feet from the Highway to the lower edge of the signboard, and having the words "Railway Crossing" painted on each side of signboard, and in letters not less than six inches in length; and for every neglect to comply with the requirements of this section, a penalty not exceeding Ten Pounds currency shall be incurred.

Precautions when Railway crosses a highway.

FENCES.

XIII. And be it enacted, That—

Firstly. Fences shall be erected and maintained on each side of the Rail-way, of the height and strength of an ordinary division fence, with openings or gates, or bars therein and farm crossings of the Road, for the use of the proprietors of the lands adjoining the Railway; and also cattle guards at all road crossings, suitable and sufficient to prevent cattle and animals from getting on the Railway;

Fences to be erected on each side of Railway.

and until such fences and cattle guards shall be duly made, the Company shall be liable for all damages which shall be done by their trains or engines to cattle, horses, or other animals on the Railway; and after the fences or guards shall be duly made, and while they are duly maintained, no such liability shall accrue for any such damages unless negligently or wilfully caused, and if any person shall ride, lead or drive any horse or other animal upon such Railway, and within the fences and guards, other than the farm crossings, without the consent of the Company, he shall for every such offence forfeit a sum not exceeding Ten Pounds, and shall also pay all damages which shall be sustained thereby to the party aggrieved; and no person other than those connected with, or employed by the Railway, shall walk along the track thereof, except where the same shall be laid across or along a Highway.

Dividing and separating of lands for Railway from neighbouring lands.

Secondly. Within six months after any lands shall be taken for the use of the Railway, and if thereunto required by the proprietors of the adjoining lands respectively, but not otherwise, the lands shall be, by the Company, divided and separated and kept constantly divided and separated from the lands or grounds adjoining thereto, with a sufficient post or rail, hedge, ditch, bank or other fence sufficient to keep off hogs, sheep and cattle, to be set and made on the lands so taken, and which the Company shall, at their own costs and charges, from time to time, maintain, support, and keep in sufficient repair.

TOLLS.

XIV. And be it enacted, That Tolls shall be established as follows:

Tolls to be fixed by By-laws.

Firstly. Tolls shall be, from time to time, fixed and regulated by the By laws of the Company, or by the Directors if thereunto authorized by the By-laws, or by the Shareholders at any general meeting, and shall and may be demanded and received for all passengers and goods transported upon the Railway or in the Steam Vessels to the undertaking belonging, and which shall be paid to such persons and at such places near to the Railway, in such manner and under such regulations as the By-laws shall direct; and in case of denial or neglect of payment of any such Tolls, or any part thereof, on demand, to such persons, the same may be sued for and recovered in any competent Court,

or the agents or servants of the Company may, and they are hereby empowered to seize the goods for or in respect whereof such tolls ought to be paid, and detain the same until payment thereof; and in the meantime the said goods shall be at the risk of the owners thereof; and if the said tolls shall not be paid within six weeks, the Company shall thereafter have power to sell the whole or any part of such goods, and out of the money arising from such sales to retain the tolls payable as aforesaid, and all charges and expenses of such detention and sale; rendering the surplus, if any, of the money realized from such sale, or of such of the goods as may remain unsold, to the person entitled thereto; and if any goods shall remain in the possession of the Company unclaimed for the space of twelve months, the Company shall thereafter, and on giving public notice thereof by advertisement for six weeks in the *Canada Gazette*, and in such other papers as they may deem necessary, have power to sell such goods by public auction at a time and place to be mentioned in such advertisement, and out of the proceeds thereof to pay such tolls and all reasonable charges for storing, advertising and selling such goods; and any balance of such proceeds shall be kept by the Company for a further period of three months, to be paid over to any party entitled thereto; and in default of such balance being claimed before the expiration of the period last aforesaid, the same shall be paid over to the Receiver General, to be applied to the General purposes of the Province, until such time as the same shall be claimed by the party entitled thereto; and all or any of the said tolls may, by any By-law, be lowered and reduced, and again raised as often as it shall be deemed necessary for the interests of the undertaking: Provided that the same tolls shall be payable at the same time and under the same circumstances upon all goods and persons, so that no undue advantage, privilege or monopoly may be afforded to any person or class of persons by any By-laws relating to the tolls.

Provido.

Secondly. In all cases, a fraction in the distance over which goods or passengers shall be transported on the Rail-way shall be considered as a whole mile; and for a fraction of a ton in the weight of any goods, a proportion of the toll shall be demanded and taken, according to the number of quarters of a ton contained therein, and a fraction of a quarter of a ton shall be deemed and considered as a whole quarter of a ton.

A fraction of a mile to be considered as a whole one in charging tolls.

Table of tolls
to be stuck
up in cars,
&c.

Thirdly. The Directors shall, from time to time, print and stick up, or cause to be printed and stuck up, in the office, and in all and every of the places where the tolls are to be collected, and in every passenger car, in some conspicuous place there, a printed board or paper exhibiting all the tolls payable, and particularising the price or sum of money to be charged or taken for the carriage of any matter or thing.

Fourthly. No tolls shall be levied or taken until approved of by the Governor in Council, nor until after two weekly publications in the *Canada Gazette* of the By-law establishing such tolls, and of the Order in Council approving thereof.

Fifthly. Every By-law fixing and regulating tolls shall be subject to revision by the Governor in Council from time to time, after approval thereof as aforesaid; and after an Order in Council, reducing the tolls fixed and regulated by any By-law, shall have been twice published in the *Canada Gazette*, the tolls mentioned in such Order in Council, shall be substituted for those mentioned in such By-law so long as such Order in Council remains unrevoked.

GENERAL MEETINGS.

Shareholders
may hold
general
meetings.

XV. And be it enacted, That the Shareholders shall always have power to assemble together at general meetings for the purposes connected with or belonging to the undertaking, and at any annual general meeting, and elect Directors in the manner provided by the next succeeding clause.

DIRECTORS—THEIR ELECTION AND DUTIES.

XVI. And be it enacted, That—

Board of Directors.

Firstly. A Board of Directors of the undertaking to manage its affairs, the number whereof shall be stated in the Special Act, shall be chosen annually by a majority of the Shareholders voting at such election, at a general meeting, the time and place for which shall be appointed by the Special Act, and if such election shall not be held on the day so appointed, it shall be the duty of the Directors to notify and cause such election to be held within thirty days after the day so appointed; and on the day so notified, no person shall be admitted to vote except those who would have been entitled to vote had the election been held on the day when it ought

to have been held; and vacancies in the Board of Directors shall be filled in such manner as may be prescribed by the By-laws; and no person shall be a Director unless he be a Stockholder, owning stock absolutely in his own right and qualified to vote for Directors, at the election at which he shall be chosen.

Secondly. The method of calling general meetings, and the time and place of the first meeting of Stockholders for the appointment of Directors, shall be determined and settled in the Special Act.

Calling of
special mee-
ings, &c.

Thirdly. The number of votes to which each Shareholder shall be entitled on every occasion when the votes of the members are to be given, shall be in the proportion to the number of shares held by him, unless otherwise provided by the Special Act; and all Shareholders, whether resident in this Province or elsewhere, may vote by proxy, if they shall see fit: Provided that such proxy do produce from his constituent an appointment in writing, in the words or to the effect following, that is to say:

Votes to be
in proport'n
to shares.

"I, _____, of _____, one of the Shareholders, of the _____, do hereby appoint _____, of _____, to be my proxy, and in my absence to vote or give my assent to any business, matter or thing relative to the said undertaking, that shall be mentioned or proposed at any meeting of the Shareholders of the said Company, or any of them, in such manner as he, the said _____, shall think proper. In witness whereof, I have hereunto set my hand and seal, the _____ day _____, in the _____ year _____."

Fourthly. The votes by proxy shall be as valid as if the principals had voted in person; and every matter or thing proposed or considered in any public meeting of the Shareholders shall be determined by the majority of votes and proxies then present and given as aforesaid, and all decisions and acts of any such majority shall bind the Company, and be deemed the decisions and acts of the Company.

Votes by
proxy.

Fifthly. The Directors first appointed, or those appointed in their stead, in case of vacancy, shall remain in office until the next annual election of Directors at the time appointed therefor, at which time an annual general meeting of the Shareholders shall be held to choose Directors for the ensuing year, and generally to transact the business, of the Com-

Terms of of-
fice of Direc-
tors.

Provide.

pany : Provided always, that the said Directors, in case of the death, absence or resignation of any of them, may appoint others in their stead ; but if such appointment be not made, such death, absence or resignation shall not invalidate the acts of the remaining Directors.

President.

Sixthly. The Directors shall, at their first or at some other meeting, after the day appointed for the annual general meeting, elect one of their number to be the President of the Company, who shall always, when present, be the Chairman of and preside at all meetings of the Directors, and shall hold his office until he shall cease to be a Director, or until another President shall be elected in his stead ; and they may in like manner elect a Vice-President, who shall act as Chairman in the absence of the President.

Vice-President.

Quorum of Directors.

Seventhly. The Directors at any meeting at which not less than a quorum, to be settled by the Special Act, shall be present, shall be competent to use and exercise all and any of the powers vested in the said Directors, but no one Director shall have more than one vote at any meeting, except the Chairman, who shall, in case of a division of equal numbers, have the casting vote, and the Directors shall be subject to the examination and control of the Shareholders at their annual meetings, and be subject to all By-laws of the Company, and to the orders and directions from time to time made at the annual or at any special meetings, such orders and directions not being contrary to any express directions or provisions of this Act or the Special Act ; And provided also, that the act of any majority of a quorum of the Directors present at any meeting regularly held, shall be deemed the act of the Directors.

Provide.

Officers of Company cannot be Directors.

Eighthly. No person holding any office, place or employment in, or being concerned or interested in any contracts under or with the Company, shall be capable of being chosen a Director or of holding the office of Director.

By-laws for management of stock, &c.

Ninthly. The Directors shall make By-laws for the management and disposition of the stock, property and business affairs of the Company, not inconsistent with the laws of this Province, and for the appointment of all officers, servants and artificers, and prescribing their respective duties.

Calls.

Tenthly. The Directors may from time to time make such calls of money upon the respective Shareholders, in respect of the amount of Capital respectively subscribed or

owing by them, as they shall deem necessary, provided that thirty days' notice at least be given of each call, and that no call exceed the prescribed amount to be determined therefor, in the Special Act, nor made at a less interval than two months from the previous call, or a greater amount be called in, in any one year, than the prescribed amount therefor in the Special Act, and every Shareholder shall be liable to pay the amount of the call so made in respect of the shares held by him to the persons and at the times and places from time to time appointed by the Company or the Directors.

Eleventhly. If before or on the day appointed for payment, any Shareholder do not pay the amount of any call, he shall be liable to pay interest for the same, at the rate of six per centum per annum, from the day appointed for the payment thereof to the time of the actual payment.

Interest to be charged on unpaid calls.

Twelfthly. If at the time appointed for the payment of any call, any Shareholder shall fail to pay the amount of the call, he may be sued for the same, in any Court of Law or Equity having competent jurisdiction, and the same may be recovered with lawful interest from the day on which such call was payable.

Amount of call may be recovered by suit.

Thirteenthly. In any action or suit to recover any money due upon any call, it shall not be necessary to set forth the special matter, but it shall be sufficient to declare that the Defendant is the holder of one share or more, stating the number of shares, and is indebted in the sum of money to which the calls in arrear shall amount, in respect of one call or more upon one share or more, stating the number and amount of each of such calls, whereby an action hath accrued to the said Company by virtue of the Special Act.

Certain formalities not necessary in actions for calls.

Fourteenthly. The Certificate of Proprietorship of any share shall be admitted in all Courts as *prima facie* evidence of the title of any Shareholder, his executors, administrators, successors or assigns, to the share therein specified; nevertheless, the want of such Certificate shall not prevent the holder of any share from disposing thereof.

Certificate of proprietorship *prima facie* evidence.

Fifteenthly. Any persons neglecting or refusing to pay a rateable share of the calls as aforesaid, for the space of two calendar months after the time appointed for the payment thereof, shall forfeit their respective shares in the undertaking, and all the profit and benefit thereof; all

Penalty for refusal to pay calls.

which forfeitures shall go to the Company for the benefit thereof.

Forfeiture of share not to be taken advantage of, unless declared at general meeting.

Sixteenthly. Provided that no advantage shall be taken of the forfeiture, unless the same shall be declared to be forfeited at a General Meeting of the Company, assembled at any time after such forfeiture shall be incurred, and every such forfeiture shall be an indemnification to and for every Shareholder so forfeiting against all actions, suits or prosecutions whatever, to be commenced or prosecuted for any breach of contract or other agreement between such Shareholder and the other Shareholders with regard to carrying on the said undertaking.

Directors may sell forfeited shares by auction.

Seventeenthly. The Directors of the said Company may sell, either by public auction or private sale, and in such manner and on such terms as to them shall seem meet, any shares so declared to be forfeited, and also any shares remaining unsubscribed for in the Capital Stock of the Company, or pledge such forfeited or unsubscribed shares for the payment of loans or advances made or to be made thereon, or of any sums of money borrowed or advanced by or to the Company.

Certificate of Treasurer to be evidence of forfeiture.

Eighteenthly. A Certificate of the Treasurer of the Company that the forfeiture of the shares was declared, shall be sufficient evidence of the fact therein stated, and of their purchase by the purchaser; and with the receipt of the Treasurer for the price of such shares, shall constitute a good title to the shares, and the Certificate shall be by the said Treasurer enregistered in the name and with the place of abode and occupation of the purchasers, and shall be entered in the Books required to be kept by the By-laws, of the Company, and such purchaser shall thereupon be deemed to be the holder of such shares, and shall not be bound to see to the application of the purchase money, nor shall his title to such shares be affected by any irregularity in the proceedings in reference to such sale, and any Shareholder may purchase any shares so sold.

Interest to be allowed to Shareholder's paying money in advance on their shares.

Nineteenthly. Shareholders willing to advance the amount of their shares, or any part of the money due upon the respective shares beyond the sums actually called for, may pay the same, and upon the principal moneys so paid in advance, or so much thereof as from time to time shall exceed the amount of the calls then made upon the shares in respect of which such advance shall be made, the Company may pay interest at the legal rate of interest for the time being, as

the Shareholders paying such sum in advance and the said Company may agree upon : Provided, such interest shall not be paid out of the Capital subscribed.

Twentiethly. The Directors shall and they are hereby required to cause a true, exact and particular account to be kept and annually made up and balanced on the thirty-first day of December, in each year, of the money collected and received by the Company, or by the Directors or Managers thereof, or otherwise, for the use of the Company, and of the charges and expenses attending the erecting, making, supporting, maintaining and carrying on of the undertaking, and of all other receipts and expenditures of the Company or the Directors, and at the general meetings of the Shareholders of the undertaking, to be from time to time holden as aforesaid, a dividend shall be made out of the clear profits of the said undertaking, unless such meeting shall declare otherwise ; and such dividend shall be at and after the rate of so much per share upon the several shares held by the Shareholders in the stock of the Company, as such meeting shall think fit to appoint or determine : Provided always, that no dividend shall be made whereby the Capital of the said Company shall be in any degree reduced or impaired, or be paid thereout, nor shall any dividend be paid in respect of any share after a day appointed for payment of any call for money in respect thereof until such call shall have been paid.

Directors to cause annual accounts to be kept.

Proviso.

Twenty-firstly. The Directors of the Company may, in their discretion, until the Railroad shall be completed and opened to the public, pay interest at any rate not exceeding Six Pounds per centum per annum, on all sums called up in respect of the shares, from the respective days on which the same shall be paid, such interest to accrue and be paid at such times and places as the Directors shall appoint for that purpose: Provided always, that no interest shall accrue to the proprietors of any share upon which any call shall be in arrear in respect of such shares or any other share to be holden by the same Shareholder during the period which such call shall remain unpaid, nor shall any interest be paid or taken from the Capital subscribed or any part thereof.

Directors may pay interest on sums called up in respect of shares.

Proviso.

Twenty-secondly. The Directors shall from time to time appoint such and so many Officers as they may deem requisite, and take from them such sufficient security by one or more Bond or Bonds, in a sufficient penalty or penalties, or otherwise, from the Manager and Officers for the time

Directors may appoint officers.

being, for the safe keeping and accounting of the moneys to be raised by virtue of this Act and the Special Act, and for the faithful execution by them of their offices respectively, as the Directors shall think proper.

Vice-President to act in the absence of the President.

Twenty-thirdly. In case of the absence or illness of the President, the Vice-President shall have all the rights and powers of the President, and shall be competent to sign all Notes, Bills, Debentures, and other Instruments, and to perform all acts which by the Regulations and By-laws of the Company or by the Acts incorporating the Company are required to be signed, performed and done by the President; and the Directors may at any meeting require the Secretary to enter such absence or illness among the proceedings of such meeting, and a Certificate thereof signed by the Secretary shall be delivered to any person or persons requiring the same on payment to the Treasurer of Five Shillings, and such Certificate shall be taken and considered as *prima facie* evidence of such absence or illness, at and during the period in the said Certificate mentioned, in all proceedings in Courts of Justice or otherwise.

Notices to be published in Canada Gazette.

Twenty-fourthly. All notices of meetings or of calls upon the Shareholders of the Company shall be published weekly in the *Canada Gazette*, and the said Gazette shall, on production thereof, be conclusive evidence of the sufficiency of the said notices.

SHARES AND THEIR TRANSFER.

XVII. And be it enacted, That—

Shareholders may dispose of shares.

Firstly. Shares in the undertaking may be, by the parties, sold and disposed of by instrument in writing, to be made in duplicate in the form following, one part of which shall be delivered to the directors to be filed and kept for the use of the said Company, and an entry thereof shall be made in a Book to be kept for that purpose; but no interest on the shares transferred shall be paid by the purchaser until said duplicate shall be so delivered, filed and entered.

Form of sale.

Secondly. Sales shall be in the form following, carrying the names and descriptions of the contracting parties, as the case may require:

“ I, A B, in consideration of the sum of
 “ , paid to me by C. D, hereby do sell and transfer
 “ to him share (or shares) of the
 “ stock of the , to hold to

"him the said C. D. his Heirs, Executors Administrators
 "and Assigns, subject to the same rules and orders, and on
 "the same conditions that I held the same immediately
 "before the execution thereof. And I, the said C. D. do
 "hereby agree to accept of the said
 "share (or shares) subject to the same rules, orders and con-
 "ditions. Witness our hands
 "this day of
 "in the year of ."

Thirdly. The Stock of the Company shall be deemed personal estate, but no shares shall be transferable until all previous calls thereon shall have been fully paid in, or the said shares shall have been declared forfeited for the non-payment of calls thereon, and no transfer of less than a whole share shall be valid.

Fourthly. If any share in the Company shall be transmitted by the death, bankruptcy or last will, donation or testament, or by the intestacy of any Shareholder, or by any lawful means other than the transfer hereinbefore mentioned, the party to whom such share shall be so transmitted, shall deposit in the office of the Company a statement in writing, signed by him, declaring the manner of such transmission, together with a duly certified copy or probate of such will, donation or testament, or sufficient extracts therefrom, and such other documents or proof as may be necessary, and without which such party shall not be entitled to receive any share of the profits of the Company, nor vote in respect of any such share as the holder thereof.

MUNICIPALITIES.

XVIII. And be it enacted, That—

Firstly. Municipal Corporations in this Province may subscribe for any number of shares in the Capital Stock of, or lend to or guarantee the payment of any sum of money borrowed by the Company from any Corporation or person, or indorse or guarantee the payment of any Debenture to be issued by the Company for the money by them borrowed, and shall have power to assess and levy from time to time upon the whole rateable property of the Municipality a sufficient sum for them to discharge the debt or engagement so contracted, and for the like purpose to issue Debentures payable at such times and for such sum respectively, not less than Five Pounds currency, and bearing

Municipal
 Corporations
 may take
 stock.

or not bearing interest, as such Municipal Corporation, may think meet.

Debentures
issued by
them to be
binding.

Secondly. Any such Debenture issued, endorsed or guaranteed, shall be valid, and binding upon such Municipal Corporation, if signed or endorsed, and countersigned by such officer or person, and in such manner and form as shall be directed by any By-law of such Corporation, and the Corporation Seal thereto shall not be necessary, nor the observance of any other form with regard to the Debentures than such as shall be directed in such By-law as aforesaid.

They cannot
subscribe for
stock unless
By-laws are
made for
that purpose

Thirdly. No Municipal Corporation shall subscribe for Stock or incur any debt or liability under this Act or the Special Act, unless and until a By-law to that effect shall have been duly made, and adopted with the consent first had of a majority of the qualified electors of the Municipality to be ascertained in such manner as shall be determined by the said By-law, after public advertisement thereof containing a copy of such proposed By-law, inserted at least four times in each newspaper printed within the limits of the Municipality, or if none be printed therein, then in some one or more newspaper printed in the nearest City or Town thereto and circulated therein, and also put up in at least four of the most public places in each Municipality.

Mayor, &c.,
to be *ex-offi-*
cio a Direc-
tor in cer-
tain cases.

Fourthly. The Mayor, Warden or Reeve, being the head of such Municipal Corporation, subscribing for and holding Stock in the Company to the amount of Five Thousand Pounds or upwards, shall be and continue to be *ex officio* one of the Directors of the Company, in addition to the number of Directors authorized by the Special Act, and shall have the same rights, powers, and duties, as any of the Directors of the Company.

SHAREHOLDERS.

XIX. And be it enacted, That—

Sharehold'rs
individually
liable.

Firstly. Each Shareholder shall be individually liable to the creditors of the Company to an amount equal to the amount unpaid on the Stock held by him, for the debts and liabilities thereof, and until the whole amount of his Stock shall have been paid up; but shall not be liable to any action therefor before an execution against the Company shall have been returned unsatisfied in whole or in part, and the

amount due on such execution shall be the amount recoverable with costs, against such Shareholders.

Secondly. The original Capital Stock may be increased from time to time to any amount, but such increase must be sanctioned by a vote in person or by proxy, of at least two-thirds in amount of all the Shareholders, at a meeting of them expressly called by the Directors for that purpose, by a notice in writing to each Shareholder, served on him personally, or properly directed to him, and deposited in the Post Office nearest to his place of residence, at least twenty days previous to such meeting, stating the time and place and object of the meeting, and the amount of increase; and the proceedings of such meeting must be entered on the Minutes of the proceedings, and thereupon, the Capital Stock may be increased to the amount sanctioned by such a vote. Stock may be increased

Thirdly. The funds of the Company shall not be employed in the purchase of any Stock in their own or in any other Company. Funds of Co. not to be employed in purchasing other Stock.

ACTIONS FOR INDEMNITY, AND FINES AND PENALTIES, AND THEIR PROSECUTION.

XX. And be it enacted, That—

Firstly. All suits for indemnity for any damage or injury sustained by reason of the Railway, shall be instituted within six calendar months next after the time of such supposed damage sustained, or if there shall be continuation of damage, then within six calendar months next after the doing or committing such damage shall cease, and not afterwards; and the Defendants may plead the general issue and give this Act and the Special Act, and the special matter in defence at any trial to be had thereupon, and may prove that the same was done in pursuance of and by authority of this Act and the Special Act. Limitation of assignees for Damages.

Secondly. All persons by any means or in any manner or way whatsoever, obstructing or interrupting the free use of the Railway, or the carriages, vessels, engines, or other works incidental or relative thereto, or connected therewith, shall, for every such offence, be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished by imprisonment in the common Gaol of the District or County where the conviction shall take place, or in the Provincial Penitentiary, for a term not to exceed five years. Penalty on persons obstructing free use of Railway.

Penalty on
persons dam-
aging Rail-
way.

Thirdly. All persons wilfully and maliciously, and to the prejudice of the Railway, breaking, throwing down, damaging or destroying the same, or any part thereof, or any of the buildings, stations, depots, wharves, vessels, fixtures machinery or other works or devices incidental and relative thereto, or connected therewith, or doing any other wilful hurt or mischief, or wilfully or maliciously obstructing or interrupting the free use of the Railway, vessels or works, or obstructing, hindering, or preventing the carrying on, completing, supporting and maintaining the Railway, vessels or works, shall be adjudged guilty of a misdemeanor, unless the offence committed shall, under some other Act or Law amount to a felony, in which case such person shall be adjudged guilty of a felony, and the Court by and before whom the person shall be tried and convicted, shall have power and authority to cause such person to be punished in like manner as persons guilty of misdemeanor or felony (as the case may be) are directed to be punished by the laws in force in this Province.

Fines how
recovered.

Fourthly. All fines and forfeitures imposed by this Act or the Special Act, or which shall be lawfully imposed by any By-law, the levying and recovering of which are not particularly herein directed, shall upon proof of the offence before any one or more Justice or Justices of the Peace for the District, County or place where the act occurred, either by the confession of the parties, or by the oath or affirmation of any one credible witness, which oath or affirmation such Justice or Justices is or are hereby empowered and required to administer without fee or reward, be levied by distress and sale of the offender's goods and chattels, by Warrant under the hand and seal or hands and seals of such Justice or Justices; and all fines, forfeitures and penalties, the application whereof is not hereinbefore particularly directed, shall be paid into the hands of the Treasurer of the Company, to be applied to the use thereof; and the overplus of the money so raised, and after deducting the penalty and the expenses of the levying and recovering thereof, shall be returned to the owner of the goods so distrained and sold; and for want of sufficient goods and chattels whereof to levy the said penalty and expense, the offender shall be sent to the common Gaol for the County or District in which he shall have been convicted, there to remain without bail or mainprize, for such term not exceeding one month, as the Justice or Justices shall think proper,

unless the penalty or forfeiture, and all expenses attending the same, shall be sooner paid and satisfied; but every such person or persons may, within four calendar months after the conviction, appeal against the same to the Court of General Quarter Sessions to be holden in and for the County or District.

Fifthly. All contraventions of this Act or of the Special Act, by the Company or by any other party, for which no punishment or penalty is herein provided, shall be a misdemeanor, and shall be punishable accordingly; but such punishment shall not exempt the Company, if they be the offending party, from the forfeiture by this Act and the Special Act, of the privileges conferred on them by the said Acts, if by the provisions thereof or by law, the same be forfeited by such contravention.

Contraventions of this Act or of Special Act to be misdemeanors.

Sixthly. All By-laws, Rules and Orders regularly made, shall be put into writing and signed by the Chairman or persons presiding at the meeting at which they were adopted, and shall be kept in the office of the Company; and a printed copy of so much of them as may relate to or affect any party other than the members or servants of the company, shall be affixed openly in all and every passenger car, and in all and every of the places where tolls are to be gathered, and in like manner so often as any change or alteration shall be made to the same; and any copy of the same, or of any of them, certified as correct by the President or Secretary, shall be deemed authentic, and shall be received as evidence thereof in any Court, without further proof: Provided nevertheless, that all such By-laws, Rules and Orders shall be submitted from time to time to the Governor General, or person administering the Government of this Province, for approval.

By-laws to be put into writing and signed by Chairman.

Proviso.

Seventhly. That copies of the Minutes of proceedings and resolutions of the Shareholders of the Company, at any general or special meeting, and of Minutes of proceeding, and resolutions of the Directors, at their meetings, extracted from the Minute-books kept by the Secretary of the Company, and by him certified to be true copies, extracted from such Minute-books, shall be *prima facie* evidence of such proceedings and resolutions in all Courts of civil jurisdiction, and all notices given by the Secretary of the Company, by order of the Directors, shall be deemed notices by the said Directors and Company.

Copies of minutes to be *prima facie* evidence.

WORKING OF THE RAILWAY.

XXI. And be it enacted, That—

Servants to
wear badges.

Firstly. Every servant of the undertaking employed in a passenger train or at stations for passengers, shall wear upon his hat or cap a badge, which shall indicate his office, and he shall not without such badge be entitled to demand or receive from any passenger any fare or ticket, or to exercise any of the powers of his office, nor meddle or interfere with any passenger or his baggage or property.

Trains to
start at pub-
lic hours.

Secondly. The trains shall start and run at regular hours to be fixed by public notice, and shall furnish sufficient accommodation for the transportation of all such passengers and goods as shall within a reasonable time previous thereto be offered for transportation at the place of starting, and at the junctions of other Railways and at usual stopping places established for receiving and discharging way passengers and goods from the trains, and such passengers and goods shall be taken, transported and discharged, at, from, and to such places, on the due payment of the toll, freight or fare legally authorized therefor, and the party aggrieved by any neglect or refusal in the premises, shall have an action therefor against the Company.

Checks to be
fixed on par-
cels.

Thirdly. Checks shall be affixed by an agent or servant to every parcel of baggage having a handle, loop or fixture of any kind thereupon, and a duplicate of such Check shall be given to the passenger delivering the same; and if such Check be refused on demand, the Company shall pay to such passenger, the sum of Two Pounds, to be recovered in a civil action; and further, no fare or toll shall be collected or received from such passenger, and if he shall have paid his fare, the same shall be refunded by the Conductor in charge of the train; and any passenger producing such Check, may himself be a witness in any suit brought by him against the Company, to prove the contents and value of his baggage not delivered to him.

Baggage
cars not to
be in rear of
passage cars.

Fourthly. The baggage, freight, merchandise or lumber cars shall not be placed in rear of the passenger cars, and if any such be so placed, the officer or agent directing or knowingly suffering such arrangement, and the conductor of the train, shall severally be deemed guilty of a misdemeanor, and be punished accordingly.

Fifthly. Every locomotive engine shall be furnished with a bell, of at least thirty pounds weight, or a steam whistle; and the bell shall be rung, or the whistle sounded at the distance of at least eighty rods from every place where the Railway shall cross any highway, and be kept ringing or be sounded at short intervals, until the engine shall have crossed such highway, under a penalty of Two Pounds for every neglect thereof, to be paid by the Company, who shall also be liable for all damages sustained by any person by reason of such neglect, one-half of which penalty and damages shall be chargeable to and collected by the Company from the Engineer having charge of such engine and neglecting to sound the whistle or ring the bell as aforesaid.

Locomotive
to be furnished
with bells
or steam
whistles.

Sixthly. Passengers refusing to pay their fare, may, by the conductor of the train and the servants of the Company, be, with their baggage, put out of the cars, using no unnecessary force, at any usual stopping place, or near any dwelling house, as the conductor shall elect, first stopping the train.

Passengers
refusing to
pay fare may
be put out.

Seventhly. All persons in charge of a locomotive engine, or acting as the conductor of a car or train of cars, who shall be intoxicated on the Railway, shall be deemed guilty of a misdemeanor.

Intoxicated
Conductor of
locomotives.

Eighthly. Any passenger injured while on the platform of a car, or on any baggage, wood or freight car, in violation of the printed regulations posted up at the time in a conspicuous place, inside of the passenger cars then in the train, shall have no claim for the injury, provided sufficient room inside of such passenger cars, sufficient for the proper accommodation of the passengers, was furnished at the time.

Passengers
to have no
claim if in-
jured when
on platform
of cars, &c.

GENERAL PROVISIONS.

XXII. And be it enacted, That—

Firstly. The Company shall not be bound to see to the execution of any trust, whether express, implied or constructive, to which any of the shares may be subject; and the receipt of the party in whose name any share shall stand in the Books of the Company, or if it stands in the name of more parties than one, the receipt of one of the parties named in the Register of Shareholders shall from time to time be a sufficient discharge to the Company for any dividend or other sum of money payable in respect of the share, notwithstanding any trust to which the share may

Company
not bound to
see to execu-
tion of trusts

then be subject, and whether or not the Company have had notice of the trusts, and the Company shall not be bound to see to the application of the money paid upon such receipts.

Provisions
to the car-
riage of Her
Majesty's
Mail, &c.

Secondly. Her Majesty's Mail, Her Majesty's Naval or Military Forces or Militia, and all artillery, ammunition, provisions or other stores for their use, and all policemen, constables and others travelling on Her Majesty's services shall at all times, when thereunto required by Her Majesty's Provincial Postmaster General, the Commander of the Forces, or any person having the superintendence or command of any Police Force, and with the whole resources of the Company if required, be carried on the Railway, on such terms and conditions, and under such regulations as the Governor in Council shall make; and the Company may be required by the Governor, or any person thereunto authorized by him, to place any Electric Telegraph, and the apparatus and operators they may have, at the exclusive use of the Government, receiving thereafter reasonable compensation for such service; provided that any further enactments which the Legislature of this Province may hereafter make, for the carriage of the Mail of Her Majesty's Forces, and other persons and articles as aforesaid, or the tolls therefor, or in any way respecting the use of any Electric Telegraph or other service to be rendered to the Government, shall not be deemed an infringement of the privileges intended to be conferred by this Act or the Special Act.

Account of
names and
residence of
Shareholders
to be kept.

Thirdly. A true and perfect account of the names and places of abode of the several Shareholders shall be kept and entered in a Book to be kept for that purpose, as well as of the several persons who shall from time to time become proprietors of, or entitled to any shares therein, and of all the other acts, proceedings and transactions of the said Company and of the Directors from the time being.

Map, &c., of
Railway to
be filed in
the Board of
Works Of-
fice.

Fourthly. A Map and Profile of the completed Railway, and of the land taken or obtained for the use thereof, shall, within a reasonable time after completion of the undertaking, be made and filed in the office of the Commissioners of Public Works, and also like maps of the parts thereof located in different Counties, shall be filed in the Registry Offices for the Counties in which such parties shall be respectively; and every such Map shall be drawn on such a scale, and on such paper as may from time to time be designated for that pur-

pose by the Chief Commissioner of Public Works, and shall be certified and signed by the President or Engineer of such Corporation.

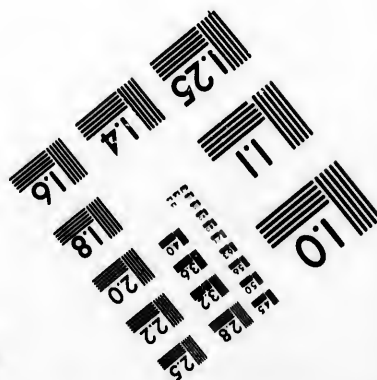
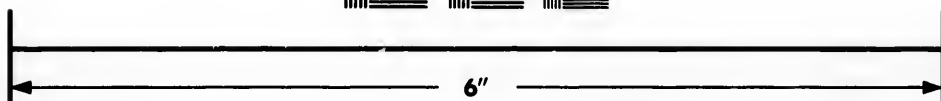
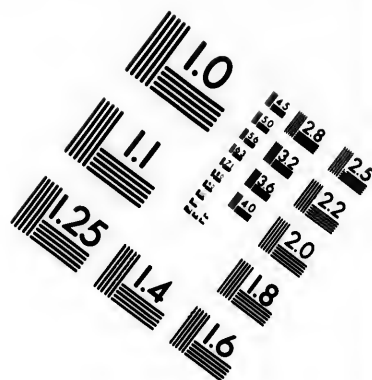
Fifthly. An account shall be annually submitted to the three branches of the Legislature, within the first fifteen days after the opening of each Session of the Provincial Parliament after the opening of the Railway or any part thereof to the public, containing a detailed and particular account, ^{Account to be submitted to Legislature.} upon oath of the President, or Vice-President in his presence, of the moneys received and expended by the Company, and a classified statement of the passengers and goods transported by them, with an attested copy of the last annual statement; and no further provisions which the Legislature may hereafter make with regard to the form or details of such account, or the mode of attesting or rendering the same, shall be deemed an infringement of the privileges hereby granted to the Company.

Sixthly. If the construction of the Railway shall not have been commenced, and ten per cent. on the account of the Capital shall not have been expended thereon, within three years after the passing of the Special Act, or if the Railway shall not be finished and put in operation in ten years from the passing of such Special Act as aforesaid, its corporate existence and powers shall cease. ^{Ten per cent to be paid within three years from passing of Special Act.}

Seventhly. The Legislature of this Province, may from time to time reduce the tolls upon the Railway, but not without consent of the Company, or so as to produce less than fifteen per cent. per annum profit on the Capital actually expended in its construction; nor unless, on an examination made by the Commissioners of Public Works of the amount received and expended by the Company, the net income from all sources, for the year then last passed, shall have been found to exceed fifteen per cent. upon the Capital so actually expended. ^{Parliament may reduce tolls on Railways.}

Eighthly. No person shall be entitled to carry or to require the Company to carry upon their Railway, any *aqua fortis*, oil of vitriol, gunpowder, lucifer matches, or any other goods, which, in judgment of the Company, may be of a dangerous nature; and if any person send by the said Railway any such goods without distinctly marking their nature on the outside of the package containing the same, and otherwise giving notice in writing to the Book-keeper or other Servants of the ^{As to goods of a dangerous nature.}





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Company with whom the same are left at the time of sending the said goods, he shall forfeit to the Company the sum of Five Pounds currency, for every such offence; and it shall be lawful for the Company to refuse to take any package or parcel that they may suspect to contain goods of a dangerous nature, or require the same to be opened to ascertain the fact.

Forging debentures, &c. deemed felony.

Ninthly. The offence of forging any Debentures or a *Coupon* of any Debenture issued under the authority of this Act or the Special Act, or of uttering any such Debenture or *Coupon*, knowing the same to be forged, or of being accessory before or after the fact to any such offence, shall be deemed felony, and be punished accordingly.

Company bound to make and repair fences, roads &c., in L. O., &c.

Tenthly. The Company shall make and keep in repair all fences, roads and water courses, and be subject to all municipal regulations and provisions in respect thereof in or for lands belonging to or held by the Company, and subject to any such regulations, or to any charges, public, municipal or local, as the case may be, in any County, Parish or Township in Lower Canada through which the Railway shall pass; and the said Company may, in default or contravention thereof, be prosecuted therefor by the Officers of the Municipality, before the Commissioners Court or Circuit Court within the Jurisdiction of which such fence, road or water course shall be, and the service of the Summons upon any Clerk or Officer in charge of the section of the Railway within the said jurisdiction, or at the nearest depot of the Railway, shall be good service upon the Company.

Special Act to be a Public Act.

Eleventhly. Every Special Railway Act shall be a Public Act.

And may dissolve any Corporation formed under this Act.

Twelfthly. The Legislature may at any time annul or dissolve any Corporation formed under this Act; but such dissolution shall not take away or impair any remedy given against such Corporation, its Shareholders, Officers or Servants, for any liability which shall have been previously incurred.

Saving of Her Majesty's Rights.

Thirteenthly. Nothing herein contained shall effect or be construed to effect, in any manner or way whatsoever, the rights of Her Majesty, Her Heirs and Successors, or of any

person or persons, or of any bodies politic, corporate or collegiate, such only excepted as are herein mentioned.

Fourteenthly. No amendment or alteration in this Act shall be held to be an infringement of the rights of any Company authorized to construct a Railway by any Act of this or any future Session with which this Act is or shall be incorporated. <sup>Interpreta-
tion.</sup>

AN ACT

In Addition to the General Railway Clauses Consolidation Act.

[PASSED 14th June, 1853.]

Preamble.

WHEREAS it is necessary to make provision for the protection of persons and property passing over railways from criminal attempts to injure the same, and for other purposes connected with Railways in this Province, and to amend the General Railway Clauses Consolidation Act: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That if any person shall wilfully and maliciously displace or remove any Railway switch or rail of any Railroad, or break down, rip up, injure or destroy any Railroad track or Railroad bridge or fence of any Railroad, or any portion thereof, or place any obstruction whatsoever on any such rail or Railroad track, or bridge, with intent thereby to injure any person or property passing over or along such Railroad, or to endanger human life, every such person so offending, shall be guilty of misdemeanor, and shall be punished by imprisonment with hard labor in the Common Gaol of the Territorial Division in which such offence shall be committed or tried, for any period not exceeding one year from conviction thereof; and if in consequence of such act done with the intent aforesaid, any person so passing over and along such Railroad, shall actually suffer any bodily harm, or any property passing over and along such Railroad shall be injured, such suffering or injury shall be an aggravation

Punishment
of persons
doing any
thing to Rail
way with in-
tent to injure
persons or
property.

And if such
damage be
actually
done.

See Act
passed
1855.
Cap 92.
to amend criminal law

of the offence, and shall render such offence a felony, and shall subject the said offender to such punishment by imprisonment in the Provincial Penitentiary for not less than one year nor more than two years, as the circumstances of the case may, in the opinion of the Court before which he shall be convicted, appear to be proportionate to the offence and the mischief occasioned by it.

II. And be it enacted, That if any person shall wilfully and maliciously displace or remove any Railway switch or rail of any Railroad, or shall break down, rip up, injure or destroy any Railroad track or Railroad bridge, or fence of any Railroad or any portion thereof, or place any obstruction whatever on any such Rail or Railroad track or bridge, or shall do or cause to be done any Act whatever whereby any engine, machine or structure, or any matter or thing appertaining thereto shall be stopped, obstructed, impaired, weakened, injured, or destroyed, with intent thereby to injure any person or property passing over or along such Railroad, and if in consequence thereof any person be killed or his life be lost, such person so offending shall be deemed guilty of manslaughter, and being found guilty, shall be punished by imprisonment in the Provincial Penitentiary for any period not more than ten nor less than four years.

And if any person be killed or his life be lost, the offence to be manslaughter and punishable as such.

III. And be it enacted, That if any person shall wilfully and maliciously do or cause to be done, any act whatever, whereby any building, fence, construction or work of any such Railroad, or any engine, machine or structure of any such Railroad, or any matter, or thing appertaining to the same shall be stopped, obstructed, impaired, weakened, injured or destroyed, such person so offending shall be guilty of a misdemeanor, and punished by imprisonment with hard labor, not exceeding one year, in the Common Gaol of the Territorial Division in which such offence shall have been committed or tried.

Committing any injury, stoppage, &c., to be a misdemeanor.

IV. And be it enacted, That notwithstanding anything in the said General Act, or in any Act or Special Act heretofore passed or that hereafter may be passed, incorporating any Railway Company, wherein provision is made for the deposit of surveys, maps and books of reference, in the offices of the Clerks of the Peace and the Secretary of the Province, or in any other place, and wherein a time is specified in any such Act for such deposit, and where such time has elapsed or the Company may have omitted to make such deposit, such Company may extend the period for depositing such

The time allowed for deposit of plans, &c. extended, with power to Commissioner of Public Works to grant a further extension thereof.

surveys, maps and books, absolutely for one year from the passing of this Act, and all surveys, maps and books deposited within the said year after the passing of this Act, shall be taken to be as valid and effectual to all intents and purposes as if the same had been duly deposited within the time mentioned in any such Act of Incorporation as aforesaid, and any such omission within such extension, shall not be taken to work any forfeiture of the Charter of any such Company.

Heads of Municipalities not to vote at election of private Directors ; unless, &c.

V. And be it declared and enacted, That notwithstanding any thing in the said General Railway Clauses Consolidation Act contained, it has not been, nor is, nor shall be lawful for the Mayor, Reeve or other Chief Officer, or other person representing any Municipality having or taking Stock in any Railway Company incorporated or to be incorporated in this Province, by any Act of this Session, either directly or indirectly to vote on the election or appointment of the private Directors of such Company, unless the Special Act of Incorporation of such Company shall expressly provide therefor in the said Special Act.

As to Trains passing Draw-bridges.

VI. And be it enacted, That in all cases where Railroads pass any Draw or Swing Bridge over any navigable River, Canal or Stream which is subject to be opened for the purposes of Navigation, the Trains shall in all and every case be stopped at least three minutes, to ascertain from the Bridge Tender that the said Bridge is closed and in perfect order for passing, and in default of so stopping during the full period of three minutes, the said Railroad Company shall be subject to a fine or penalty of One Hundred Pounds.

Ground adjoining any Railway and belonging to the Com'y to be laid down with grass and cleared of weeds, &c.

VII. And be it enacted That it shall be the duty of every Railway Company, whether any of the clauses or provisions of the said Act be or be not incorporated with the Act incorporating such Company, to cause all cleared land or ground adjoining their Railway and belonging to such Company, to be sown or laid down with grass or turf, and to cause the same so far as may be in their power to be covered with grass or turf, if not already so covered, and to cause all thistles and other noxious weeds growing on such land or ground, to be cut down and kept constantly cut down or to be rooted out of the same; and if any Railway Company shall fail to comply with the requirements of this Section within twenty days after they have been required to comply with the same, by notice from the Mayor, Reeve or Chief Officer of the Municipality of the Township or

County in which such land or ground shall lie, such Company shall thereby incur a penalty of Ten Shillings to the use of such Municipality for each day during which they shall neglect to do anything which they are lawfully required to do by such notice, and it shall be lawful for the said Mayor, Reeve or Officer, to cause all things to be done which the said Company were lawfully required to do by such notice, and for that purpose to enter by himself and his assistants or workmen upon such lands or grounds, and such Municipality may recover the expenses and charges incurred in so doing, and the said penalty with costs of suit, in any Court having jurisdiction in civil cases to the amount sought to be recovered.

VIII. And for avoiding doubts under the said Act, Be it declared and enacted, That it is not, and shall not be lawful for any Railway Company, to take possession of, use or occupy any lands vested in Her Majesty, without the consent of the Governor in Council; but that with the consent of the Governor in Council, it is and shall be lawful for any such Railway Company, to take and appropriate for the use of their Railway and works, but not to alienate, so much of the wild lands of the Crown not heretofore granted or sold, lying on the route of the said Railway, as may be necessary for their Railway, as also so much of the land covered with the waters of any Lake, River, Stream or Canal, or of their respective beds, as may be found necessary for making and completing and using their said Railway and works; Provided always, That it shall not be lawful for any such Company to cause any obstruction in or impede the free Navigation of any River, Stream or Canal to or across or along which their Railway may be carried, and if such Railway shall be carried across any navigable River, or Canal, the Company shall leave openings between the abutments or piers of their Bridge or Viaduct over the same, and shall make the same, of such clear height above the surface of the water or shall construct such Draw Bridge or Swing Bridge over the Channel of the River, or over the whole width of the Canal, and shall be subject to such regulations as to the opening of such Swing Bridge or Draw Bridge as the Governor in Council shall from time to time make, nor is it, nor shall it be lawful for any such Company to construct any Wharf, Bridge, Pier or other work upon or over any navigable River, Lake or Canal, or upon the beach or bed or lands covered with the waters thereof, until they shall have first

Doubts under the said Act (14 & 15 Vic. c. 51) avoided, as to lands vested in Her Majesty.

proviso: conditions on which the Company may carry their Railway across any Canal, Rivers, or navigable water.

submitted the plan and proposed site of such work to the Governor in Council, and the same shall have been by him approved; nor shall any deviation from such approved site and plan be made without his consent: Provided always that nothing contained in this section shall be construed to limit or affect any power expressly given to any Railway Company by its Special Act of Incorporation or any special Act amending the same: And further provided that nothing herein contained, shall apply to the twenty-second and twenty-third paragraphs of the eleventh Section of the Railway Clauses Consolidation Act.

Proviso.

Proviso.

Any Railway Company may construct Branch Railways, on certain conditions.

IX. And be it enacted, That any incorporated Railway Company shall be authorized to construct a branch or branches not exceeding six miles in length from any terminus or station of the Railway of such Company, whenever a By-law sanctioning the same shall have been passed by the Municipal Council of the Municipality within the limits of which such proposed branch shall be situate, and any such branch shall not as to the quality and construction of the road be subject to any of the restrictions which may be contained in the Act of Incorporation of such Company or in the Railway Clauses Consolidation Act, nor shall anything in either of the said Acts authorize any Company to take for such branch any lands belonging to any party, without the consent of such party first obtained.

Act to apply to all Railways.

X. And be it enacted, That the provisions of this Act shall from the passing thereof apply to every Railway made or to be made in this Province.

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*Commissioner of Crown Lands,—see 8 Vic., Cap. 11.

† Assented to 14th June, 1853.

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AN ACT

To make provision for the construction of a Main Trunk Line of Railway throughout the whole length of this Province.

[PASSED 30th August, 1851.]

Preamble.

WHEREAS it is of the highest importance to the progress and welfare of this Province, that a Main Trunk Line of Railway should be made throughout the length thereof, and from the Eastern frontier thereof, through the Provinces of New Brunswick and Nova Scotia, to the City and Port of Halifax, and it is therefore expedient that every effort should be made to ensure the construction of such Railway, whilst as an act of justice to those who have advanced their money upon Provincial Securities, and as the best means of sustaining the credit of the Province, and of readily commanding such further pecuniary assistance as may from time to time become necessary for great Provincial Works of Internal Communication, it is expedient that the Provincial Parliament should pledge itself not to allow the Public Debt and Liabilities of the Province to be increased, except in the cases and under the conditions hereinafter mentioned: Be it therefore declared and enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby declared and enacted by the authority of the same, That excepting only as regards such sum as may be raised for the purposes of this Act, under the authority and guarantee of the Parliament of the United Kingdom, and as regards the guarantee of the Province to be given under the Act passed in the twelfth year of Her Majesty's Reign, and intituled, *An Act to provide for affording the guarantee of the Province to the Bonds of Railway Companies on certain conditions, and for rendering assistance*

In what cases and on what conditions only, the Public Debt and Liabilities may be increased 12 V., c. 29.

in the construction of the Halifax and Quebec Railway, for the interest only of debentures issued or to be issued by the St. Lawrence and Atlantic Railroad Company, the Great Western Railway Company, or the Ontario, Simcoe and Huron Railroad Union Company, on the conditions in the said Act, and hereinafter mentioned, the Public Debt and Liabilities of this Province shall not be increased under this Act, nor will the Provincial Parliament hereafter authorize the increase thereof without the consent of the Agents through whom loans may have been negotiated in England, or the previous offer to pay off all debentures then outstanding, and the actual payment of all such as shall be presented for payment pursuant to such offer, at the place therein appointed, within one month from the first publication thereof in the London Official Gazette, in which it shall be published during the period aforesaid, at least; and the expenditure hereinafter authorized shall not be made, nor the liabilities hereinafter mentioned incurred on behalf of the Province, except only in so far as it may be found practicable to make or incur the same, or any part thereof, without increasing the debt or liabilities of the Province, otherwise than in the cases and under the conditions aforesaid.

II. And be it enacted, That provided the funds necessary for the purpose shall be raised by loan under the authority and guarantee of the Parliament of the United Kingdom, or advanced as a loan to this Province under said authority, it shall be lawful for the Governor of this Province in Council, to enter into such arrangements as he may deem conducive to the interests of this Province, with the Government of the United Kingdom, and with the Governments of the Provinces of New Brunswick and Nova Scotia, with respect to the construction of a Railway from some point opposite the City of Quebec to the City of Halifax, in Nova Scotia, either by constructing the same on the joint account of this Province and the said Provinces of Nova Scotia and New Brunswick in equal proportions, or by engaging to construct at the expense of this Province that part of the said Railway lying within Lower Canada, or by making such other arrangement for the construction of the said Railway as may be agreed upon within the said Government of the United Kingdom and the said Provincial Governments; and for facilitating such arrangements, all the ungranted lands within this Province, lying within ten miles on either side of the line of the said Railway, are hereby placed at the disposal of the Go-

Quebec and
Halifax Rail-
way; under
what condi-
tions it may
be made.

Certain un-
granted
lands may
be appropri-
ated.

vernor of this Province in Council, to be appropriated, pledged or otherwise dealt with in such way as he may think best for the interests of the Province with regard to such arrangements as aforesaid, it being understood and hereby declared that the Parliament of this Province will confirm and carry out by such Legislative enactments (if any) as may be necessary to give full effect to the same, any arrangements and agreements which may be made by the Governor in Council, in the spirit and for the purpose of this Act.

Authority to
defray the
necessary
expenses.

III. And be it enacted, That it shall be lawful for the Governor, out of the Funds to be raised or advanced for the purpose, as aforesaid, to pay all such sums as may be required to defray all the expenses of making such part of the said Railway as shall be to be made at the expense of this Province under any such arrangement as aforesaid, or any other expenses, which under any such arrangement shall be to be borne by this Province.

Railway
from Quebec
to Hamilton
may be made
with funds
raised on
Imperial
Guarantee.

IV. And be it enacted, That provided the Funds necessary for the purpose shall be raised by loan under the authority and guarantee of the Parliament of the United Kingdom, or advanced as a loan to this Province under the said authority, the whole of the Main Trunk Line of Railway from the City of Quebec, or a point opposite thereto, to the City of Hamilton, or some convenient point on the Line of the Great Western Railroad, or so much of the said Main Trunk Line of Railway, as the Funds so raised or advanced as aforesaid, shall be sufficient to make, shall be made as a Provincial Work, and it shall be lawful for the Governor, out of any such Funds as aforesaid, to pay all such sums as shall be required to defray all the expenses of making such Main Trunk Line of Railway, or such part thereof as aforesaid.

If such guar-
antee can
not be ob-
tained, the
Railway may
be made at
joint expense
of the Pro-
vince and
any Munic-
ipal Corpora-
tions therein

V. And be it enacted, That if the Funds necessary for making the Main Trunk Line of Railway mentioned in the next preceding Section, shall not be raised by loan under the authority and guarantee of the Parliament of the United Kingdom, or advanced as a loan to this Province, under the said authority, then the said Main Trunk Line of Railroad, or so much thereof as shall not be made by funds so raised or advanced as aforesaid, may be made with funds of which one-half shall be raised on the credit of the Consolidated Revenue Fund of this Province, provided the other half shall to that part of the said Railway to be made as aforesaid, as fully as to any other Public Provincial Work; and the said

have been subscribed for by the Municipal Corporations in this Province.

VI. And be it enacted, That if the Governor in Council shall determine that it is expedient that the whole or any part of the said Main Trunk Line of Railway, shall be made with funds to be raised in the manner mentioned in the next preceding section, the Governor shall, by Proclamation, declare the total amount required for such purpose, and the sum to be raised by subscriptions of Municipal Corporations under this Act; and it shall then be lawful for any Municipal Corporation in this Province to subscribe for such amount of the sum last mentioned as it may think proper, by a By-law declaring such subscription and the amount thereof, which declaration shall suffice, and it shall not be necessary by such By-law to impose any rate, or to make any provision or enactment other than such declaration as aforesaid, which shall be sufficient to enable the proper officers to assess and levy, from time to time, such rate as may be necessary to produce a clear sum equal to that payable to the Receiver General under the said By-law and this Act, and Ten per cent. over, to make up any deficiency, which Ten per cent., or so much thereof as may not be required to make up any deficiency, shall remain in the hands of the proper officer of the Corporation, and go in deduction of the next sum to be assessed and levied under such By-law, or if not required for that purpose, then for the general uses of the Corporation; and any sum payable to the Receiver General, under any such By-law and this Act, shall be a debt due from the Municipal Corporation so in default to the Crown, and the Warrant of the Receiver General, countersigned by the Inspector General, directed to the Sheriff of the proper District, County, or United Counties, certifying that any such sum is so payable and remains unpaid, and commanding him to levy the same, shall be sufficient authority to the said Sheriff to levy such sum, with interest and costs, and to pay over such sum when levied to the Receiver General, in like manner as he might do under a Writ of Execution for such sum issuing out of any Court in which judgment might have been obtained for the same in favor of the Crown; and no such By-law shall be repealable except with the express consent of the Governor in Council; and if more money be subscribed for than is required to be raised by subscription of Municipal Corporations as aforesaid, then the sum subscribed for by each shall be *ipso facto* proportionately

How that
part of the
cost payable
by Municipal
Corporations
may be raised.

Proviso.

reduced, and such reduction shall be notified to the Municipal Corporations concerned, in such way as the Governor may direct: Provided always, that no Municipal Corporation shall subscribe for stock, or incur any debt or liability under this Act, unless and until a By-law to that effect shall have been duly made and adopted, with the consent first had of a majority of the qualified electors of the Municipality, to be ascertained in such manner as shall be determined by the said By-law, after public advertisement thereof containing a copy of such proposed By-law, inserted at least four times in each newspaper printed within the limits of the Municipality, or, if none be printed therein, then in some one or more newspaper printed in the nearest City or Town, thereto and circulated therein.

Municipal
Subscription
Fund con-
stituted.

Authority to
raise half the
money on
credit of
Consolida-
ted Revenue
Fund.

And the
other half on
that of the
Municipal
Subscription
Fund.

VII. And be it enacted, That the sums subscribed for as aforesaid shall form a Fund to be called The Railway Municipal Subscription Fund; and so soon as the sum required shall have been subscribed for as aforesaid, it shall be lawful for the Governor in Council from time to time to authorize the issuing of Debentures to an amount not exceeding in the whole that so subscribed for, in such form, for such separate sums, and at such rate of interest, not exceeding six per centum per annum, and to make the principal and interest payable at such periods and at such places, as to him shall seem most expedient; the said principal and interest being hereby made chargeable upon the Consolidated Revenue Fund of this Province, but after the principal and interest of any sum to be raised under this Act, or any Act of the present Session, by advance from the Government of the United Kingdom or with the guarantee of the said Government: And it shall also be lawful for the Governor in Council from time to time, to authorize the issuing of Debentures to an amount not exceeding in the whole that so subscribed for as aforesaid, (and not exceeding at any time that for which Debentures shall then be issued under this Section, on the credit of the Consolidated Revenue Fund,) in such form, for such separate sums, and at the lowest rate of interest, not exceeding seven per cent per annum, at which they can be negotiated at par, and to make the principal payable at any period, not being less than twenty years from the date of such Debentures respectively, and the interest, at such periods as he may think proper, and to make the principal and interest payable at such places as he may deem most expedient, such principal being chargeable not upon the said Consolidated Revenue

Fund but solely upon the Railway Municipal Subscription Fund aforesaid and the Sinking Fund hereinafter mentioned.

VIII. Provided always, and be it enacted, That the total sum to be raised for the purposes of this Act, upon the credit of the Consolidated Revenue Fund of this Province, with or without any guarantee under the authority of the Parliament of the United Kingdom, and including any sum which may be advanced under the authority of the said Parliament, on the credit of the said Consolidated Revenue Fund, added to any sum which may be raised on the credit of the Municipal Subscription Fund, shall never exceed, in the whole, the sum of Four Millions of Pounds Currency.

Sum to be raised under this Act limited.

IX. And be it enacted, That the funds to be raised under the seventh section of this Act on the credit of the Consolidated Revenue Fund, and those to be raised under the said section, on the credit of the Railway Municipal Subscription Fund, shall be expended as nearly as may be, in equal proportions, as the work advances in the several sections into which the Railway to be made may be divided by the Governor in Council.

Sums raised on the credit of the two Funds mentioned in sect. 7 to be expended in equal proportions.

X. And be it enacted, That as well the cost of that part of the said Main Trunk Line of Railway which is to be constructed with funds to be raised partly on the credit of the Province and partly on that of the Railway Municipal Subscription Fund, as all the expenses and outlay of any kind to be incurred while the work is in progress, shall be defrayed out of the funds so to be raised as aforesaid; and that the Municipal Corporations so subscribing as aforesaid, shall be called upon to pay the interest on the sums for which they have subscribed, whenever at any time the said Fund, and their share of the profits from any part of the work which shall have been completed, shall be insufficient to pay the interest on the sums borrowed on the credit of the Municipal Subscription Fund; in which case, they shall from time to time pay such sums to the Receiver General as may be sufficient, with any sums he may have in his hands applicable to the purpose, to enable him to pay such interest as it becomes due, the sum to be paid in such case by each Municipal Corporation being in proportion to the sum for which it may have subscribed.

In what cases only Municipal Corporations shall be called upon to pay interest on sums subscribed by them.

XI. And be it enacted, That the share of the profits of that part of the said Railway last aforesaid which may belong to the said Municipal Corporations, and shall not be required to pay the interest on the sums raised on the credit of the Rail-

Sinking Funds established.

Shares of the Province and M. Corporations in the profits of the Railway.

Provision if the Municipal Sinking Fund be found insufficient.

The Railway to be a Public Provincial Work, and powers of Commissioners of Public Works as to taking lands &c. to extend to it, &c.

way Municipal Subscription Fund, shall be invested by the Receiver General, and shall, with interest thereon, form a Sinking Fund for the redemption of the Debentures to be issued on the credit of the said Railway Municipal Subscription Fund ; and that the share of the said profits which shall belong to the Province, after deducting three and a half per cent. per annum on the sums raised on the credit of the Consolidated Revenue Fund, shall be also invested by the Receiver General, and shall, with the interest thereon, form a Sinking Fund for the Redemption of the Debentures to be issued on the credit of the Consolidated Revenue Fund under the seventh section of this Act ; and the share which the Province and the said Municipal Corporations shall respectively have in the profits of the said Railroad, shall be in proportion to the sums which shall have been raised on the credit of the Consolidated Revenue Fund, and of the said Railway Municipal Subscription Fund, respectively.

XII. And be it enacted, That if at any time after the expiration of two years from the completion of that part of the said Railway last aforesaid, it shall appear to the Receiver General that the Sinking Fund first aforesaid will not produce enough to pay off the principal of the Debentures issued on the credit of the said Railway Municipal Subscription Fund, at the time when the same will become payable, it shall be lawful for him to add not exceeding three per cent. per annum on the amount of such Debentures, to the sum which would otherwise be payable to him in any year by each Municipal Corporation, and such per centage shall form part of the said Sinking Fund, and shall be paid by such Municipal Corporations respectively, in like manner as any other moneys payable by them to the Receiver General, under this Act.

XIII. And be it enacted, That the said Main Trunk Line of Railway, including that part thereof lying between the City of Quebec and the City of Halifax, or such part thereof as shall be made under the provisions of the preceding sections of this Act, shall be a Public Provincial Work, to be constructed and managed by the Commissioners of Public Works, under the control of the Governor in Council, and subject to such supervision by the Board of Railway Commissioners hereinafter mentioned as the Governor in Council shall direct ; and all the powers vested in the Commissioners of Public Works, with regard to the taking of lands required

for Public Works, and all other powers vested in them, and the provisions of the several Acts now in force relative to Public Works, and not inconsistent with this Act, shall apply to that part of the said Railway to be made as aforesaid, as fully as to any other Public Provincial Work; and the said Railway, and every part thereof, shall be made on such Line, and in such places, as the Governor in Council shall determine and appoint as best adapted to promote the general interests of this Province.

Governor in Council to determine the Line.

XIV. And be it enacted, That the said Commissioners of Public Works, with the consent of the Governor in Council, shall have full power to treat and agree with the Montreal and Lachine Railroad Company, or the St. Lawrence and Atlantic Railroad Company, for the purchase or use of the whole or any part of their respective Railroads, rights and property, which it may be found expedient to adopt as part of the said Main Trunk Line of Railway, and to pay such sum as may be agreed upon, to either of the said Companies, as compensation for any such Railroad or portion thereof, rights or property, out of any moneys which might be applied to making part of the said Main Trunk Line of Railway at the same place; and the Directors of the said Companies respectively shall have full power and authority to treat and agree with the said Commissioners of Public Works for any of the purposes aforesaid, and to receive the compensation that may be agreed upon, and to give a valid discharge for the same, and to surrender and convey to Her Majesty for the public uses of the Province, such Railroad or part thereof, rights or property as aforesaid, which shall hereafter be vested in Her Majesty for the uses aforesaid: Provided always, that nothing herein contained shall be construed to affect or impair any right now vested in her Majesty to take the said Railroads, or either of them, or any of the rights or property of the said Companies, or either of them, under any Act incorporating such Company, or amending the Act incorporating it.

Powers to treat with certain companies for the purchase of their property or rights.

Proviso.

XV. And be it enacted, That if it be found to be impracticable to raise the funds for constructing the said Main Trunk Line of Railway, in any of the modes hereinbefore mentioned, then the Governor of this Province may by Proclamation declare that the same may be undertaken by any Private Companies thereunto authorized by the Legislature, and any Company in whose Act of Incorporation a

In what cases only the Railway may be made by private companies.

clause may have been inserted, suspending its operation until the Governor shall issue a Proclamation declaring it in force, shall, by the issuing of such Proclamation, receive authority to commence its operations.

Recital.

To what
Railways
the guaran-
tee under 12
Vic., c. 20,
shall be res-
tricted.

Proviso.

Board of
Railway
Commission-
ers constitu-
ted.

XVI. And whereas, although it is highly desirable to afford every possible encouragement to the construction of Railways in all parts of the Country, yet for the purpose of confining the liabilities of the Province within proper limits, and at the same time ensuring effectual aid to those undertakings which are most necessary to its progress and development, it is expedient to restrict the provisions of the Railway Guarantee Act hereinbefore cited, in the manner hereinafter provided: Be it therefore enacted, That the guarantee, offered by the said Act, and all the provisions of the said Act relative to such guarantee, shall be and are hereby restricted and confined to those Railroads which may form part of the said Main Trunk Line (in case of any part thereof being constructed by private Companies,) and to the St. Lawrence and Atlantic Railroad, which has already received the said guarantee, and forms part of the said Main Trunk Line,—the Great Western Railroad which has been commenced and partly constructed on the faith of the said guarantee, and forms part of the said Main Trunk Line,—and the Ontario, Simcoe, and Huron Union Railroad, for the construction of which certain arrangements have been made in expectation and upon the faith of the said guarantee; Provided always, that the expression "The Great Western Railroad" in this Act, shall mean only the Main Line of Railway which the Great Western Railroad Company are authorized to make from Burlington Bay to the Detroit River, and shall not include any Branches which the said Company is or may be authorized to make, nor shall the said guarantee be extended to any such Branch.

XVII. And for better ensuring the attainment of the objects proposed in the said Act and in this Act, Be it enacted, That the Receiver General, the Inspector General, the Commissioner and Assistant Commissioner of Public Works, and the Provincial Postmaster General, shall constitute a Board of Railway Commissioners; and each of the said Officers shall be a Member of the said Board by virtue of his office, and so long and so long only as he shall hold the same; such one of the said Officers as the Members of the Board shall agree upon, shall be the Chairman and Official Organ of the Board,

the Secretary of the Commissioners of Public Works shall be the Secretary of the said Board; and any Report concurred in by a majority of the Board, shall be deemed the Report of the Board.

XVIII. And be it enacted, That no Railway Company shall be entitled to the benefit of the said Guarantee, until the said Board shall have examined and approved the line selected for such Railroad, the intended gauge, the form and weight of Rail, and general mode of construction of the Road, and of the larger Bridges, Viaducts, and principal works upon such line, and shall have reported such approval to the Governor in Council, with their opinion that the Road is one which may advantageously form part of such Main Trunk line as aforesaid,—that the Act incorporating the Company contains all such provisions as they think essential to the protection of the public interest,—or that the Company have consented to the amendment of their Charter by the insertion of such provisions,—and that the Road when completed will afford ample security to the Province against loss under the Guarantee to be given with regard to it; and the line and mode of construction so approved shall not be altered or deviated from without an express Report of the said Board in favor of such alteration or deviation, nor unless such Report shall be approved by the Governor in Council, on pain of forfeiting the right of the Company to the said guarantee; Provided always, that the Ontario, Simcoe, and Huron Railroad Union Company shall be entitled to the said Guarantee on complying with the other conditions aforesaid, although their Road does not form part of the said Main Trunk Line.

On what conditions the said guarantee shall be granted.

Proviso.

XIX. And be it enacted, That any Company, having received such approval as aforesaid, shall be empowered, if the length of their Railway exceeds 100 miles, to divide the same into sections of not less than fifty miles each, and being as nearly as the total length of the Railway and other circumstances will admit, of seventy-five miles each, and each of such sections may, after such division shall have been approved by the Governor, be considered for all the purposes of the said Act and of this Act, as a distinct Railway, and when the requirements of the said Act and of this Act are complied with, as regards any such section, the guarantee of the Province may be given for the sum required to complete such section, which sum shall not be applied to any other purpose; and the Company shall keep and render separate accounts of receipt and

Railways over 100 miles long may be divided into sections to each of which the guarantee may be extended.

expenditure for each such section, and if any receipt or expenditure be common to two or more sections, the same shall be fairly apportioned among them in such accounts, to the satisfaction of the said Board.

Further conditions of such guarantee.

XX. And be it enacted, That the said Guarantee shall not be given with regard to any Railway or Section until the said Board shall have reported to the Governor in Council, that the land for the whole Railway or Section has been acquired and paid for, that a part of the work thereon has been completed to their satisfaction, and that the fair cost of the part so completed, including the fair cost of the land and of all materials then procured by and the property of the Company, (and not merely the sum the Company may have actually expended upon the same,) would not be less than the cost of the part remaining to be done, according to an estimate made upon tenders received and approved by the Company and by the said Board as fair and reasonable, in which case the Guarantee of the Province may be granted for the sum necessary to complete such remaining part of the work according to such estimate; and generally, it shall be the duty of the said Board to obtain and report to the Governor all such information, and to do all such things as may be necessary to ensure the faithful execution of the said Act and of this Act, and any duty assigned to the Commissioners of Public Works by the said Act shall hereafter be performed by the said Board.

Certain contract to be subject to approval of the Governor in Council.

XXI. And be it enacted, That no contract shall be entered into by any Company, for the performance of work or the furnishing of materials for that part of their Railway for the making whereof the said Guarantee is to be granted, except with the approval of the said Board; that the said Board may suggest and the Governor in Council may impose upon the Company such further conditions as they may think requisite for guarding the Province against loss; and that the guarantee may be granted to the Company from time to time, and as may be necessary, to enable them to meet their engagements under such contracts as aforesaid, when the work has been performed to the satisfaction of the said Board.

Guarantee may, on certain conditions, extend to principal as well as interest.

XXII. And be it enacted, That the said guarantee may, as regards those Companies whose Railways will form part of the said Main Trunk Line, and upon such conditions as the Governor in Council shall think fit, be extended to the payment of the principal of the sum guaranteed, as well as to the payment of the interest thereon; provided the Bonds guar-

anted, are made payable at periods previously approved by the Governor in Council, or in his discretion Provincial Debentures for the amount to be guaranteed, or any part thereof, may be delivered to the Company in exchange for their Bonds, for like sums, and the principal and interest whereof shall be made payable at like periods, or at such others as may be agreed upon; and for the principal and interest of such Bonds, the Province shall have the same priority of hypothec, mortgage and lien upon the Railway, tolls and property of the Company, as by the said Act is given for sums paid or guaranteed by the Province, and subject to the same provisions, and the said guarantee may be given either at once for the whole sum to be raised by the Company, or from time to time, and by portions as the same shall be required for carrying on the works, according to the terms and conditions which shall have been made in that behalf; Provided always, that it shall be lawful for the Governor in Council, if he shall deem it expedient and consistent with the interests of the Province, and the due maintenance of the Public credit, to grant the same advantages, or any of them, to the "Ontario, Simcoe and Huron Railroad Union Company," as he may under this section grant to Companies whose Railways form part of the said Main Trunk Line of Railway; And provided also, that one of the conditions on which the benefit of this section shall be granted to any Company, shall be, that no By-law of such Company imposing Tolls, or affecting others than the Company, shall have force or effect until approved by the Governor in Council, and that no such By-law shall remain in force for more than three years from the passing thereof, so that such By-laws may be subject to periodical revisions by the said Governor in Council, and that the Company shall consent to such amendments (if any) of the Act incorporating it, as may be requisite to give full effect to this Proviso.

Proviso.

Proviso.

XXIII. And be it enacted, That so much of the Act first above cited, or of any other Act or Law as may be inconsistent with the provisions of this Act, shall be and is hereby repealed.

Inconsistent enactments repealed.

XXIV. And be it enacted, That the word "Railway" in this Act, shall include all Viaducts, Bridges, Station Houses, Depots, and other works, Machinery, Engines Vessels, Carriages and things of every kind, which may be necessary or convenient to the making or using of any Railway.

Word "Railway" interpreted.

Accounting
clause.

XXV. And be it enacted, That the due application of all moneys expended under the authority of this Act, shall be accounted for to Her Majesty, Her Heirs or Successors, through the Lords Commissioners of Her Majesty's Treasury for the time being, in such manner and form as Her Majesty, Her Heirs and Successors shall direct; and that an account of all moneys so expended shall be laid before the Provincial Parliament within fifteen days after the opening of the Session thereof next after such expenditure.

AN ACT

To extend the provisions of an Act passed in the present Session intituled, An Act to make provision for the construction of a Main Trunk Line of Railway throughout the length of this Province.

[PASSED 30th August 1851.]

WHEREAS the Great Western Railroad Company are authorized by their Acts of Incorporation to make a Main Line of Railway throughout the whole distance between the Niagara River and the Detroit River, by the way of Burlington Bay; And whereas it is desirable that the provisions of the Act hereinafter mentioned should extend to the whole of the said Main Line of Railway, although not to any of its Branches, and that no doubt should exist as to the intention of the Legislature to that effect: Be it therefore declared and enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the expression, "The Great Western Railroad," in the Act of the present Session, intituled, *An Act to make provision for the construction of a Main Trunk Line of Railway throughout the length of the Province*, shall mean and include the whole of the said Main Line of Railway which the said Great Western Railroad Company are authorized to make from the Niagara River, by the way of Burlington Bay, to the Detroit River, any thing contained in the proviso to the sixteenth section of the said Act, or in any other part thereof, to the contrary notwithstanding, but shall not include any Branches which the said Company are or may be authorized to make, nor shall the guarantee in the said Act mentioned be extended to any such Branch.

Preamble.

What shall be understood by "the Great Western Railroad" in cap. 73 of this session.

AN ACT

To empower any Railway Company, whose Railway forms part of the Main Trunk Line of Railway throughout this Province, to unite with any other such Company, or to purchase the property and rights of any such Company; and to repeal certain Acts therein mentioned incorporating Railway Companies.

[PASSED 10th November, 1852.]

Preamble.

WHEREAS it would be to the advantage of this Province, that the Main Trunk Railway throughout the whole length thereof should be under the management and control of one Company, or of as small a number of different Companies as may be practicable: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the government of Canada*, and it is hereby enacted by the authority

Power to unite with or purchase the rights of another company.

14 & 15 V.
c. 73.

Act to apply to certain companies.

of the same, That it shall be lawful for any two or more of the Companies formed, or to be hereafter formed, for the purpose of constructing any Railway, which shall form part of the Main Trunk Line of Railway contemplated by the Legislature in passing the Act of the now last Session of the Provincial Parliament, intituled *An Act to make provision for the construction of a Main Trunk Line of Railway throughout the whole length of this Province*, to unite together as one Company, or for any one of such Companies to purchase and acquire the property and rights of any one or more of such Companies: And the provisions of this Act shall apply to and include the St. Lawrence and Atlantic Railroad Company, and the whole of the Railway which that Company are empowered to construct, and shall also apply to and include any Company which may have been formed by the union of any two or more Companies under this Act.

II. And be it enacted, That it shall be lawful for the Directors of any such Company as aforesaid to agree with the Directors of any other such Company or Companies, that the Companies they respectively represent shall be united as one Company, or that one of such Companies shall purchase and acquire the property and rights, and take upon itself all the liabilities of the other or others; and by such agreement to fix the terms upon which such union or such purchase shall take place, the rights which the Shareholders of each Company shall possess after such union or purchase, the number of Directors of the Company after any such union, and who shall be such Directors until the then next Election, the period at which such next Election shall be held, the number of votes which the Shareholders of either Company shall respectively have thereat, and the corporate name of the Company after any such union, the time when the agreement shall take effect, the By-Laws which shall apply to the united Company, and generally to make all such conditions and stipulations touching the terms upon which such union or purchase shall take place, as may be found necessary for determining the rights of the said Companies respectively, and of the Shareholders thereof, after any such union or purchase, and the mode in which the business of the Company shall be managed and conducted after any such union.

Directors of two or more companies may agree on terms of such union or purchase.

III. And be it enacted, That whenever any such agreement shall have been made as aforesaid, the Directors of each of the Companies which it is to affect, shall call a Special General Meeting of the Shareholders of the Company they represent, in the manner provided by law for calling such General Meetings, stating particularly that such meeting is called for the purpose of considering the said agreement, and of ratifying or disallowing the same; and if at such Meeting of the Shareholders of each of the Companies concerned, respectively, three-fourths or more of the votes of the Shareholders attending the same, either in person or by proxy, be given for ratifying the said Agreement, then the same shall have full effect accordingly, as if all the terms and clauses thereof, not inconsistent with this Act, were enacted in an Act of the Legislature of this Province; and if less than three-fourths of the votes of the Shareholders present at such meeting, in person or by proxy, be given in favor of ratifying such Agreement, then the same shall be void and of no effect, and no other meeting shall be called to consider

Special general meeting to be called to ratify or disallow such agreement.

Proviso. any agreement for a like purpose within six months thereafter: Provided always, that the first meeting of the Shareholders of any Company for considering any such Agreement shall be held within three months of the time when the same shall be made by the Directors thereof, and not afterwards.

Effect of ratification of an agreement for a union.

IV. And be it enacted, That from and after the time when any such ratified agreement for the union of two or more Companies shall take effect, the Companies intended to be united shall become one Company and one Corporation by the Corporate name assigned to it in such agreement, and shall be invested with and have all the rights and property and be responsible for all the liabilities of the respective Companies, parties to such agreement, and shall be held to be the same Corporation with each of them, so that any right or claim which could be enforced by or against either of them, may after such union, be enforced by or against the Company formed by their Union, and any suit, action or proceeding pending at the time of such Union by or against either of such Companies, may be continued and completed by or against the Company formed by their Union, by the corporate name assigned to it by the agreement: Provided always, that the rights of the Province or of Her Majesty on behalf of this Province, under any guarantee given to any such Company or otherwise, or of any person or party having any special hypothec or privileged claim upon the lands and buildings, tolls, revenues or other property, real or personal, of either of such Companies, or upon any part thereof, shall not be impaired by such Union, and the Company shall keep separate accounts with respect to each Railway, so as to ascertain the property or moneys upon which any such hypothec or privilege may attach.

Proviso.

Effect of ratification of an agreement for purchase.

V. And be it enacted, That from and after the time when any such ratified Agreement for the purchase by one such Company as aforesaid, of the Railway, property and rights of another such Company shall take effect, such Railway, property and rights shall become vested in and shall be exercised by the Company purchasing the same, by the corporate name assigned to it in such Agreement, and such last mentioned Company shall be responsible for all the liabilities of the Company whose Railway, property and rights shall have been transferred to them, and shall be held to be the same Corporation with it, so that any right or claim which could be enforced by or against either Company, may, after such

purchase, be enforced by or against the purchasing Company and any suit, action or proceeding pending at the time such Agreement shall take effect, by or against either Company, may be continued and completed by or against the purchasing Company, by the name assigned to it in such Agreement: Provided always, that the rights of the Province, or of Her Majesty on behalf of this Province, under any guarantee given to any such Company or otherwise, or of any person or party having any special hypothec or privileged claim upon the lands, buildings, tolls or other property of either of such Companies or upon any part thereof, shall not be impaired by such purchase, and the Company shall keep separate accounts with respect to each Railway, so as to ascertain the property or moneys upon which any such hypothec or privilege shall attach.

Proviso.

VI. Provided always, and be it enacted, That the Company whose property and rights shall have been so purchased, shall continue to have a Corporate existence for the sole purpose of doing such things, and such things only as shall be necessary for the purpose of giving full effect to the ratified Agreement, and to the rights of its Shareholders or others under the same, and so long as there shall remain anything to be done for that purpose, Directors may be elected for the said Company, and may exercise their powers for such purposes as aforesaid only.

Company selling, to remain a corporation for certain purposes only.

VII. And be it enacted, That the rights and obligations of the Company formed by any such Union, or having purchased the Railway property and rights of another Company, shall as regards lands, fences, roads, bridges, tolls and other matters in which others than the Members and Officers of the Company are concerned, be governed by the provisions regulating such matters in the Act or Acts passed with reference to the Railway to which such right or obligations may relate, saving always the right of the Directors, to modify any such Tolls by By-laws to be passed in the manner and subject to the provisions of such Act or Acts, or to make, amend or repeal By-laws on any matter for which By-laws may be made, amended or repealed under such Act or Acts.

Rights of the Company after such purchase or union in matters affecting third parties.

VIII. And be it enacted, That in the case of any such Union as aforesaid, the Capital of the Company formed thereby, shall be equal to the combined Capitals of the Companies united, and they may raise by loan or otherwise, any sum not exceeding the total amount which such Companies

Capital of united companies.

Increase of
capital of
company
purchasing

might raise : And in the case of the purchase by one Company of the property and rights of another Company, the purchasing Company shall have full power to increase their Capital by such sum as may be required to pay the purchase money agreed upon, and may raise the sum required for the said purpose, either among themselves, or by the admission of new Subscribers, in such manner as shall be provided by By-laws to be passed for the purpose, or may raise such sum or any part thereof by loan, and may issue Debentures for the amount so borrowed in the manner and form provided, with regard to other Debentures issued by such Company, by their Act of Incorporation, or any Act amending the same, except that such Debentures may be made to bear any rate of interest not exceeding seven per cent. per annum.

Further provision may
be made for
giving effect
to such
agreement.

IX. And be it declared and enacted, That the Legislature of this Province will make any further legislative provision which may be required for the purpose of giving full effect to this Act and to any agreement made under it, and ratified as aforesaid, according to the true intent and purport thereof, notwithstanding any merely technical or formal objection thereto.

Recital.

X. And whereas the several parties who have subscribed for Stock in *The Montreal and Kingston Railway Company*, and in *The Kingston and Toronto Railway Company*, and have incurred certain preliminary expenses for surveys and otherwise, with a view to the organization of the said Companies, have respectively expressed their willingness that the Acts providing for their incorporation should be repealed on condition that *The Grand Trunk Railway Company of Canada*, incorporated by an Act of this Session, should repay them the expenses so incurred; Be it therefore enacted, That the Act passed in the Session held in the fourteenth and fifteenth years of Her Majesty's Reign and intituled, *An Act to incorporate the Montreal and Kingston Railway Company*, and the Act passed in the same Session, and intituled, *An Act to incorporate the Kingston and Toronto Railway Company*, shall be, and the said Acts are hereby repealed; Provided always, that the said Grand Trunk Railway Company of Canada, shall repay to the persons hereinbefore referred to, the sums by them expended in the preliminary expenses aforesaid.

Acts 14 & 15
V., c. 143,
and 14 & 15
V., c. 146 re-
pealed.

AN ACT

To extend the provisions of the Railway Companies Union Act, to Companies whose Railways intersect the Main Trunk Line, or touch places which the said Line also touches.

[ASSENTED TO 17th March 1853.]

WHEREAS it is expedient to extend the Act hereinafter mentioned to certain other Railway Companies than those mentioned or referred to in the said Act: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the Act passed in the present Session of the Parliament of this Province, and intituled, *An Act to empower any Railway Company, whose Railway forms part of the Main Trunk Line of Railway throughout this Province, to unite with any other such Company or to purchase the property and rights of such Company; and to repeal certain Acts therein mentioned incorporating Railway Companies; and all the enactments and provisions therein contained, shall extend and apply to and include any Railway Company whose Railway intersects the Main Trunk Line of Railway contemplated by the Legislature in passing the Act of the now last Session of the Provincial Parliament, intituled, *An Act to make provision for the construction of a Main Trunk Line of Railway throughout the whole length of this Province, or touches any City, Town or place which the said contemplated Main Trunk Line of Railway also touches, subject always to the amendments and provisions hereinafter made: Provided always that nothing in this Act or in the Act hereby extended, shall be construed to extend the Provincial**

Preamble.

Act 16 V. c.
89 extended
to certain
other Com-
panies.

14 & 15 V.
c 73.

Proviso.

Guarantee to any Railway which is not otherwise entitled to the same.

Provision as to corporate name, Directors, &c. If one of the Companies united be the Grand Trunk Railway Company of Canada.

II. And be it enacted, That if one of the Railway Companies forming a Union under the Provincial Act first above cited and this Act, be *The Grand Trunk Railway Company of Canada*, incorporated by an Act of the present Session, chaptered thirty-seven, or any Company formed by the Union of the said Company with any other, then the corporate name of the Company formed by such Union shall be *The Grand Trunk Railway Company of Canada*, and the Directors of the Company so formed shall have the right of voting by proxy, and other the rights and powers vested in the Directors of the said Grand Trunk Railway Company of Canada, by the Act incorporating the same, and the number of the Directors of the Company formed by such Union shall be eighteen, (twelve of whom shall be elected by the Shareholders, and six appointed by the Governor of this Province,) unless and until such Company shall renounce the benefit of the Provincial Guarantee, in which case all the Directors shall be elected by the Shareholders; and if there shall be at the time of such Union more than six Directors of one or both of the Companies forming the same, who have been appointed by the Governor of this Province, then such of the said Directors as the Governor shall designate, shall retire from office, so as to reduce the number of Government Directors to six; and the Directors elected by the Shareholders of each of the United Companies who shall remain in office until others shall be elected in their stead, shall be determined according to the agreement made by the said Companies under the Provincial Act first above cited and extended.

Provision as to corporate name, Directors, &c. If no one of the Companies united be the Grand Trunk Railway Company of Canada.

III. And be it enacted, That if no one of the Companies forming such Union as aforesaid, be *The Grand Trunk Railway Company of Canada*, or a Company formed by the union of the said Company with any other, then the Corporate name of the Company to be formed by such Union shall be such as shall be determined by the agreement made under the Provincial Act first above cited and extended between the Companies forming such Union; and if no one of such Companies shall have Directors appointed by the Governor of this Province, then the number of Directors after such Union and those of them who shall remain in office until others are elected in their stead, shall be determined according to such agreement: but if there be Direc-

tors of any one of such Companies appointed by the Governor, then the number of Directors after such Union, shall be eighteen, of whom twelve shall be elected by the Shareholders and six shall be appointed by the Governor, unless and until such Company shall renounce the benefit of the Provincial Guarantee, in which case all the Directors shall be elected by the Shareholders; and if there shall be at the time of such Union, more than six Directors of one or both of the Companies forming such Union, who have been appointed by the Governor, then such of the said Directors as the Governor shall designate shall retire from office, so as to reduce the number of Government Directors to six; and the Directors elected by the Shareholders of each of the United Companies who shall remain in office until others shall be elected in their stead, shall be determined according to the agreement made by the said Companies under the Provincial Act first above cited and extended.

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AN ACT

To incorporate the Grand Trunk Railway of Canada.

[ASSENTED TO 10th November, 1852.]

Preamble.

Certain persons incorporated.

WHEREAS the construction of a Railway from the City of Toronto to the City of Kingston, and thence to the City of Montreal, would greatly tend to promote the welfare of this Province; And whereas the persons hereinafter mentioned are desirous of associating themselves together as a Company for the purpose of constructing such Railway, and that they and their successors and assigns, shareholders in such Railway, may be incorporated and invested with such powers as may enable them effectually to carry out their undertaking, and it is expedient to accede to their request: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the Honorable Peter McGill, of the City of Montreal; the Hon. George Pemberton, of the City of Quebec; Thomas G. Ridout and John George Bowes, of the City of Toronto, Esquires; William Price, of the City of Quebec, Esquire; John Shuter Smith, of the Town of Port Hope, Esquire; Henry LeMesurier, of the City of Quebec, Esquire; Andrew Jeffrey, of the Town of Cobourg, Esquire; James Bell Forsyth, of the City of Quebec, Esquire; William Hamilton Ponton, of the Town of Belleville, Esquire; William Rhodes, of the City of Quebec, Esquire; David Roblin, of the City of Kingston, Esquire; William Matthie, of the Town of Brockville, Esquire; George Beswick, of the City of Quebec, Esquire; Chauncey H. Peck, of the Town of Prescott, Esquire; Thomas Ryan, of the City of Montreal, Esquire; John

Counter, of the City of Kingston, Esquire; Roderick McDonald, of the Town of Cornwall, Esquire; George Etienne Cartier, of the City of Montreal, Esquire; Henry Chapman, of the City of Montreal, Esquire; Alexander Tilloch Galt, of the Town of Sherbrooke, Esquire; Luther Hamilton Holton and David Lewis McPherson, of the City of Montreal, Esquires; and Henry Mather Jackson, of the City of London, Esquire; together with such person or persons as shall, under the provisions of this Act, become proprietors of any share or shares in the Railway hereby authorized to be made, and their several and respective heirs, executors, administrators, curators and assigns, being proprietors of any share or shares in the said Railway, are and shall be a Company, according to the rules, orders and directions hereinafter expressed, and shall for that purpose be one Body Politic and Corporate, by the style and title of *The Grand Trunk Railway Company of Canada*; and the said Company shall be, and are hereby authorized and empowered, from and after the passing of this Act, by themselves, their deputies, agents, officers, workmen and servants, to make and complete a Railway, to be called *The Grand Trunk Railway of Canada*, from the City of Toronto, through the Towns of Port Hope, Cobourg and Belleville, to the City of Kingston, thence by the route they may find most practicable, through the Towns of Brockville and Prescott, to a point in the Eastern boundary line of the Township of Osnabruck; thence, in as nearly a direct line as may be practicable, to St. Raphael's, and thence to the River Ottawa, and across the said River to a point between the Lake of the Two Mountains and the Village of St. Anne's, and thence to the City of Montreal by such line as the said Company may deem most advantageous; but the different sections of the said road may be made at the same time, or in such order as the Company may think proper: Provided always, that if the Governor shall, after actual survey, ascertain that the interests of the Province would be promoted by the adoption of any other route between Kingston and Montreal, the said Company shall construct the said Railway on the line selected by the Governor after such survey.

Corporate
name.

Railway de-
scribed.

Proviso.

II. And be it enacted, That the several clauses of the *Railway Clauses Consolidation Act*, with respect to the first, second, third and fourth clauses thereof, and also the several clauses of the said Act with respect to "Interpretation,"

Certain
clauses of 14
and 15 Vic.
c. 51, incor-
porated with
this Act.

Certain of
the said
clauses modified.

"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 in this Act, with the following modification of the ninth provision in the clause of the said Act, with respect to "Plans and Surveys," that is to say: that lands to the extent of twenty acres may be taken for stations, depots or fixtures, in any City or Town containing more than five thousand inhabitants; without the consent of the proprietor thereof: and with the exception of the sixth provision in the clause of the said Act, with respect to "General Provisions," in lieu of which it is hereby enacted, that in the event of the Railway hereby authorized to be made not being commenced within one year from the date of the passing of this Act, or not being completed before the first day of January, one thousand eight hundred and fifty-seven, it shall be lawful for the Governor-in-Council, by Proclamation, to revoke the Charter contained in this Act, and the same shall thereupon become and be null and void and of no effect whatever, in so far as regards so much of the Railway hereby authorized to be made as shall not at the date of the said Proclamation be completed and opened for public use; and with the further exception of any enactments in the said clauses which may be inconsistent with the express provisions and enactments of this Act in like matters: And the expression, "this Act," when used herein, shall be understood to include all the clauses of *The Railway Clauses Consolidation Act* which are incorporated with this Act.

Guage.

III. And be it enacted, That the Guage of the said Railway shall be five feet six inches; and the fare or charge for each First Class Passenger, by any train on the said Railway, shall not exceed two pence currency for each mile travelled; the fare or charge for each Second Class Passenger, by any train on the said Railway, shall not exceed one penny and one half-penny currency for each mile travelled; and the fare or charge for each Third Class Passenger, by any train on the said Railway, shall not exceed one penny currency for each mile travelled; and that at least one train, having in it Third Class Carriages, shall run every day throughout the length of the line.

IV. And be it enacted, That it shall be lawful for the said Company to raise and contribute among themselves, in such proportions as to them shall seem meet and convenient, a competent sum of money for the making and completing of the said Railway and all such other works, matters and conveniences as may be found necessary for making, effecting, preserving, improving, completing, maintaining and using the said Railway and other works, provided such sum do not exceed the sum of Three Million Pounds Sterling; and the sum so raised shall be the Capital Stock of the said Company, which shall be divided into shares of Twenty-five Pounds sterling each; and each of the persons hereinbefore mentioned, shall be entitled to an equal number of shares in the amount of stock above mentioned if he shall choose to take the same, and if he shall not choose to take the same, then the shares to which he is entitled, but shall not choose to take, shall be equally divided among the others if they choose to take them, and so on till each shall have taken the number of shares to which he may be entitled and shall choose to take, and which he shall before the first day of December, one thousand eight hundred and fifty-two, declare to the Directors hereinafter mentioned, his intention to take; and the said Directors shall issue to each of the persons aforesaid respectively, certificates under the Common Seal of the Company, of the number of shares to which he is entitled and shall have taken, and he shall then be the legal owner of such shares, and invested with all the rights and subject to all the liabilities of a Shareholder in respect of such shares: and if there be any surplus of shares after each of the said persons shall have received his certificate for those to which he is entitled and shall have taken, the said Directors or their successors in office, shall, on or after the day last aforesaid, dispose of and assign the same to such persons at such times, and in such manner as they shall think most for the advantage of the Company, and shall deliver certificates as aforesaid to the persons to whom they shall be assigned, who shall thereupon become the legal owners of such shares and invested with all the rights, and subject to all the liabilities of a Shareholder in respect of such shares; and each person to whom any share or shares shall be assigned, shall, on receiving the certificate therefor, sign an acknowledgment of his having taken such share or shares, which acknowledgment shall be kept by the Directors, and shall be evidence of such acceptance, and that the person

Capital may
be raised.

Amount limited.

Allotment of
Shares.

Certificate
of Shares.

Surplus of
Shares how
to be allotted.

Acknowledgment of acceptance
of Shares.

As to Shares
sold at a premium.

Increase of
capital.

signing it has taken upon himself the liability aforesaid; and if any share or shares be disposed of by the Directors at a premium, such premium shall go to the Company as part of the profits; And whenever the said Company shall determine to raise any further amount of capital, not exceeding together with the amount previously raised, the said sum of Three Millions Sterling, the same may be raised either by the then Shareholders of the Company among themselves, or by the admission of new Shareholders, and in such manner as shall be determined by By-laws to be passed for the purpose; and to the holders of any such additional stock, Certificates shall be issued in the manner aforesaid by the Directors for the time being, and acknowledgments shall be signed by the persons taking such stock, and such certificates and acknowledgments shall have the like effect in law as those hereinbefore mentioned; and the word "person" in this section shall include and apply to any body corporate or politic, whether municipal or otherwise, or other party who may lawfully hold shares in the stock of the said Company.

Directors.

First Directors appointed.

V. And be it enacted, That the number of Directors of the said Company shall be eighteen, of whom nine shall (after the Directors hereinafter named shall go out of office,) be elected by the Shareholders in the said Company, who shall have respectively paid up all calls upon the shares held by them in the Stock of the said Company, and nine shall be appointed by the Governor of this Province in consideration of the guarantee of the Province to be extended to the said Company, and to represent the interest of this Province in the undertaking, and such Directors shall hold office during the pleasure of the Governor: Provided always, that the said Peter McGill, George Pemberton, Henry LeMessurier, James Bell Forsyth, William Rhoads, Henry Mather Jackson, Thomas G. Ridout, William Hamilton Ponton and William Matthie, shall be and are hereby constituted 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, with the nine Directors to be appointed by the Governor, the Board of Directors of the said Company, and shall with them have and exercise all the powers vested in such Board.

Application of Capital

VI. And be it enacted, That the Capital Stock of the said Company, is hereby directed and appointed to be laid out

and applied, in the first place, for and towards the payment, discharge and satisfaction of all fees and disbursements for obtaining and passing this Act, and for making the surveys, plans and estimates incident thereto; and all the rest, residue and remainder of such money, for and towards making, completing and maintaining the said Railway, and other the purposes of this Act, and to no other use, intent or purpose whatsoever.

VII. And be it enacted, That the shares in the Capital Stock of the said Company shall be deemed personal estate and shall be transferable as such, and shall be and are hereby vested in the said original Shareholders and their several and respective heirs, executors, curators, administrators and assigns, to their and every of their proper use and behoof, proportionally to the sum they and each of them shall severally pay thereupon; and all and every the bodies politic, corporate or collegiate or communities, and all and every person or persons, their several and respective heirs, successors, executors, curators, administrators and assigns, who being such Shareholders, shall pay the sum of twenty-five pounds sterling, or such sum or sums as shall be demanded in lieu thereof, towards carrying on and completing the said intended Railway, shall be entitled to and receive, after the said Railway shall be completed, the entire and net distribution of the profits and advantages that shall and may arise and accrue by virtue of the sum and sums of money to be raised, recovered or received by the authority of this Act, in proportion to the number of shares so held, and every body politic, corporate or collegiate or community, person or persons having such property of one part or share in the said undertaking, and so in proportion as aforesaid, shall bear and pay an adequate and proportional sum of money towards carrying on the said undertaking in the manner by this Act directed and appointed.

Shares to be
personalty,
&c.

Share of
each Stock-
holder in the
profits.

VIII. And be it enacted, That the number of votes to which each Shareholder in the said undertaking shall be entitled on every occasion when, in conformity to the provisions of this Act, the votes of the Shareholders of the said Company are to be given, shall be similar to the number of shares held by him or her not exceeding one hundred, and that absent Shareholders may vote by proxy.

Proportion
of votes to
shares.

IX. And be it enacted, That the first General Meeting of the Shareholders under this Act may be held at such time and at such place in this Province as the Directors may

First Gener'l
Meeting

appoint, after not less than fifteen thousand shares in the Stock of the said Company shall have been taken and certificates issued, and acknowledgments received by the Directors therefor, provided that public notice thereof be given during one month in the *Canada Gazette*, and in at least one other paper published in each of the Cities of Toronto, Kingston, Montreal and Quebec, respectively; and at such first General Meeting the Shareholders assembled who have paid up all calls on the Stock held by them respectively, together with such proxies as shall be present, shall elect nine persons, being each a Shareholder of twenty-five or more shares in the said undertaking, who, with the Directors appointed by the Governor, shall be the Directors of the said Company; and the nine persons so elected shall remain in office until the then next Annual General Meeting of the Shareholders, and until others shall be elected in their stead, subject always to the provisions of this Act as to the vacation of the office of Director, and the mode of filling any vacancy.

Annual General Meetings.

X. And be it enacted, That in the month of September in each year, or on such other day in each year as may be appointed for the purpose by the By-laws of the Company, an Annual Meeting of the Shareholders of the said Company shall be held for the Election of Directors in the room of those whose office may at that time become or be vacant, and generally for the transaction of the business of the Company; and if at any time it shall appear to any Five or more of such Shareholders, holding together or representing as proxies two thousand shares at least, on which all calls shall have been paid up, that for more effectually putting this Act in execution, a Special Meeting of Shareholders is necessary to be held, it shall be lawful for such five or more of them to cause forty days' notice at least to be given thereof in the *Canada Gazette* and in any other paper in each of the Cities of Toronto, Kingston, Montreal and Quebec, or in such manner as shall be provided by the By-laws of the Company, specifying in such notice the time and place and the reason and intention of such Special Meeting respectively; and the Shareholders are hereby authorized to meet pursuant to such notices, and proceed to the execution of the powers by this Act given to them, with respect to the matters specified in such notices only; and all such acts of the Shareholders, or the majority of them, at such Special Meetings assembled, such majority not having either as principal or proxies less

Special General Meetings.

than two thousand shares, shall be as valid to all intents and purposes as if the same were done at General Meetings; Provided always, that it shall and may be lawful for the said Shareholders at such Special Meetings, in case of the death, absence, resignation or removal of any person or persons elected by the Shareholders as a Director or Directors of the said Company, to elect another or others in the room or stead of those Directors who may die or be absent, resign or be removed as aforesaid; any thing in this Act to the contrary notwithstanding.

Proviso: as to filling vacancies among Directors.

XI. And be it enacted, That of the nine elective Directors three shall retire from office at the Annual Meeting of the Shareholders next after their election, and three at the annual Meeting next following; and at every Annual Meeting thereafter, those three Directors shall retire who have been longest in Office, and other Directors shall, at each Annual Meeting, be elected by the Shareholders in place of those so retiring, the order of retirement of the said first elected nine Directors being decided by lot; but the Directors then or at any subsequent time retiring shall be eligible for re-election: Provided always, that no such retirement shall have effect, unless the Shareholders, at such Annual General Meeting, proceed to fill up the vacancies thus occurring in the Direction.

Order or retirement of Directors.

Proviso.

XII. And be it enacted, That at any Meeting of the Directors of the said Company, Six Directors and not less, of whom not less than three shall be Government Directors, shall be a *quorum* for the transaction of business, and any majority of such *quorum* shall be competent to exercise all and any of the powers hereby vested in the said Directors of the said Company.

Quorum of Directors.

XIII. And be it enacted, That the Directors of the said Company may vote by proxy, such proxies being themselves Directors, and appointed in the following form or to the like effect: "I hereby appoint

Proxies.

" Esquire, one of the Directors of
" the *Grand Trunk Railway Company of Canada*, to be my
" proxy as a Director of the said Company, and as such
" proxy to vote for me at all meetings of the Directors of
" the said Company, and generally to do all that I could
" myself do as such Director if personally present at any such
" meeting. A. B., *Signature*."

But no Director shall act as proxy for more than three other Directors.

Qualification
of Directors.

XIV. And be it enacted, That the Stock Qualification of Shareholders to be elected Directors of the said Company, shall be twenty-five Shares, of twenty-five pounds sterling each, of the Capital Stock; but any person may be appointed a Director by the Governor whether he be so qualified or not, or whether he be or be not a Shareholder.

Directors
may appoint
Agents.

XV. And be it enacted, That the Directors of the said Company may appoint such and so many Agents in this Province, or in any other part of Her Majesty's dominions, as to them shall seem expedient, and may, by any By-law to be made for such purpose, empower and authorize any such Agent or Agents to do and perform any act or thing, or to exercise any powers, which the Directors themselves or any of them may lawfully do, perform, and exercise, except the power of making By-laws; and all things done by such Agent or Agents, by virtue of the powers in him vested by any such By-law, shall be as valid and effectual to all intents and purposes as if done by such Directors themselves, any thing in any part of this Act to the contrary notwithstanding.

Auditors to
be appointed

XVI. And be it enacted, That the Shareholders shall, at every such Annual General Meeting, appoint three Auditors to audit all accounts of money laid out and disbursed on account of the said undertaking by the Treasurer, Receiver and Receivers, and other Officer and Officers to be by the said Directors appointed, or by any other person or persons whatsoever, employed by or concerned for or under them, in and about the said undertaking.

Calls limited

XVII. And be it enacted, That no call of money from the Shareholders shall exceed the sum of Five Pounds Sterling per Share of Twenty-five Pounds Sterling.

English rules
of Evidence
to apply in
L. C.

XVIII. And be it enacted, That in all actions or suits at law by or against the Company, or to which the said Company may be a party, instituted in Lower Canada, recourse shall be had to the Rules of Evidence laid down by the Laws of England, as recognized by the Courts in Lower Canada in commercial cases, and no Shareholder shall be deemed an incompetent witness either for or against the Company, unless he be incompetent otherwise than as a Shareholder.

Proceedings
when at-
tachments
or orders for
judicium et arti-
cles are serv-
ed on the
company.

XIX. And be it enacted, That if any Writ of *Saisie-Arret* or Attachment shall be served upon the said Company, it shall be lawful for the President, or for the Secretary or the Treasurer thereof, in any such case, to appear in obedience to the said Writ, to make the Declaration by law required

according to the exigency of each case, which said Declaration, or the Declaration of the President, shall be taken and received in all Courts of Justice in Lower Canada as the Declaration of the Company; and in causes in which Interrogatories *sur faits et articles* or the *serment decisoire* may be served upon or required of the Company; the Directors shall have the power, by a Vote or Resolution, entered among the Minutes of the Proceedings of any Meeting, to authorize the President, Secretary or Treasurer to appear and answer such Interrogatories, or take or refer such *serment decisoire*; and the answers on Oath of the President, Secretary or Treasurer, so authorized, shall be held and taken to be the answers on Oath of the Company, to all intents and purposes as if the formalities by law required had been complied with; and the production of a copy of any such Resolution, certified by the Secretary, with the said answers, shall be sufficient evidence of such authorization.

XX. And be it enacted, That it shall be lawful for the said Company with the consent of the Governor in Council, to take and appropriate for the use of their said Railway, but not to alienate, so much of the land covered with the waters of any Lake, River, Stream or Canal, or of their respective beds, as may be found necessary for the making and completing or more conveniently using the same, and thereon to erect such wharves, quays, inclined planes, cranes and other works as to the said Company shall seem meet; Provided always, that it shall not be lawful for the said Company to cause any obstruction in or to impede the free navigation of any river, stream or canal, to or across or along 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-bridge or swing-bridge over the channel of the River, or over the Canal, and shall be subject to such Regulations with regard to the opening of such draw-bridge or swing-bridge for the passage of vessels and rafts, as the Governor in Council shall direct and make from time to time; nor shall it be lawful for the said Company to construct any wharf, bridge, pier or other work upon the public beach or bed of any navigable river or stream, or upon the lands covered with the waters thereof, until they shall have submitted the plan of such work to the Governor in Council, and the same shall have been approved by him in Council as aforesaid.

Company may take lands covered with water, &c.

Proviso: Navigation not to be impeded.

Further provision.

Bridge at
Vaudreuil.

XXI. Provided always, and be it enacted, That in constructing any Bridge or Bridges for connecting the Island of Montreal with the main land in the County of Vaudreuil, the said Company shall be authorized, if they see fit, so to construct such Bridge or Bridges as to provide for the passage of all ordinary vehicles, animals and foot passengers, over the same; and shall allow all such vehicles, animals and passengers, to pass over the same, on payment of such tolls as shall be fixed by the By-laws of the Company, approved by the Governor-in-Council, and subject to the same provisions as other By-laws of the Company fixing the tolls to be taken by them.

Penalties
may be im-
posed for
certain pur-
poses.

XXII. And be it enacted. That by any Regulations to be made by the Governor in Council, touching any such Draw-bridge or Swing-bridge as aforesaid, penalties, not exceeding Ten Pounds in any case, may be imposed for the contravention thereof; and such penalties shall be recoverable from the said Company, or from any of their Officers or Servants by whom the Regulations shall have been contravened; to be recovered and applied in manner provided as to other penalties by this Act.

Company
may be par-
ty to Bills of
Exchange,
&c.

XXIII. And be it enacted, That the said Company shall have power to become a party to Promissory Notes and Bills of Exchange for sums not less than Twenty-five Pounds currency; and any such Promissory Note made or endorsed, and any such Bill of Exchange drawn, accepted or endorsed by the President or Vice-President of the Company, and countersigned by the Secretary and Treasurer, or by any Agent or Agents thereunto authorized, and under the authority of a majority of a *quorum* of the Directors, shall be binding upon the Company; and in no case shall it be necessary to have the Seal of the Company affixed to any such Promissory Note or Bill of Exchange, nor shall the President, Vice-President, Secretary or Treasurer of the Company, so making, drawing, accepting or endorsing any such Promissory Note or Bill of Exchange, be thereby subjected individually to any liability whatever: Provided always, that nothing in this section shall be construed to authorize the said Company to issue any Note payable to the bearer thereof, or any Promissory Note intended to be circulated as money or as the Notes of a Bank.

Proviso.

Communi-
ties may
lend money
to Company.

XXIV. And be it enacted, That if at any time any Municipal or other Corporation, Civil or Ecclesiastical, Body Politic, Corporate or Collegiate, or Community, in this Pro-

vince, shall be desirous of taking Shares of the Capital Stock of the said Company, or of otherwise promoting the speedy completion of the said Railway, by loans of money or securities for money at interest, or a *constitution de rente*, it shall be lawful for them respectively so to do in like manner and with the same rights and privileges in respect thereof as private individuals may do under or in virtue of this Act; any thing in any Ordinance or Act, or Instrument of Incorporation of any such body, or in any Law or Usage, to the contrary notwithstanding.

XXV. And be it enacted, That should the said Company require to purchase from the Ecclesiastics of the Seminary of St. Sulpice, of Montreal, any land, either on the Lachine Canal or on the River St. Lawrence, or in any other place, for the purposes of the said Railway, it shall be lawful for the said Ecclesiastics to sell and convey the same to the said Company, without advertising and offering the said land for public sale, and without any other formality than is provided by this Act.

As to lands required from Ecclesiastics of St. Sulpice.

XXVI. And be it enacted, That it shall be lawful for the Governor-in-Council, at any time after the expiration of twenty-one years, from and after the first day of January next after the passing of this Act, to purchase the said Railway, with all its Hereditaments, Stock and Appurtenances, in the name and on behalf of Her Majesty, upon giving to the said Company three months' notice in writing of his intention; and upon payment of a sum equal to twenty years' purchase of the annual profits divisible upon the subscribed and paid-up capital stock of the said Railway, estimated on the average of the seven then next preceding years: Provided that the average rate of profits for the said seven years shall not be less than the rate of ten pounds in the hundred; and the Company, if they shall be of opinion that the said rate of twenty years' purchase of the said average profits is an inadequate rate of purchase of such Railway, reference being had to the prospective profits thereof, may require that it shall be left to arbitration, in case of difference, to determine what (if any) additional amount of purchase money shall be paid to the said Company: Provided also, that such option of purchase shall not be exercised, except with the consent of the Company, while any Order in Council, reducing the tolls fixed and regulated by any By-law of the said Company, shall be in force.

Her Majesty may take the Railway after a certain time, and on certain conditions.

Proviso.

Proviso.

Accounts to
be kept by
the Com-
pany.

XXVII. And be it enacted, That from and after the commencement of the period of seven years next preceding the period at which the said option of purchase will become available, full and true accounts shall be kept by the Directors of the said Company of all sums of money received and paid on account of the said Railway; and the said Company shall once in every half year, during the said period of seven years, cause a half-yearly account in abstract to be prepared, shewing the total receipt and expenditure on account of the said Railway for the half year ending on the thirtieth day of June and on the thirty-first day of December respectively, under distinct heads of receipt and expenditure, with a statement of the balance of such account, duly audited and certified, under the hands of two or more of the Directors of the said Company, and shall send a copy of such account to the Inspector-General on or before the last days of August and February respectively; and it shall be lawful for the Governor-in-Council, if and when he shall think fit, to appoint any proper person or persons to inspect the accounts and books of the said Company during the said period of seven years; and it shall be lawful for any person so authorized, at all reasonable times, upon producing his authority, to examine the books, accounts, vouchers, and other documents of the Company, at the principal office or place of business of the Company, and to take copies or extracts therefrom.

Amount of
guarantee
by the Pro-
vince lim-
ited.

XXVIII. Provided always, and be it enacted, That for and notwithstanding any thing to the contrary in the Act passed in the twelfth year of Her Majesty's reign, and intituled, *An Act to provide for affording the Guarantee of the Province to the Bonds of Railway Companies, on certain conditions, and for rendering assistance in the construction of the Halifax and Quebec Railway*, or in the Act passed in the session held in the fourteenth and fifteenth years of Her Majesty's reign, and intituled, *An Act to make provision for the construction of a Main Trunk Line of Railway throughout the whole length of this Province*, the guarantee of the Province shall not be given to the Company incorporated by this Act, or in respect of the Railway hereby authorized to be constructed, to an amount exceeding the sum of Three Thousand Pounds sterling for every mile in length of the said Railway: but provided the limits above mentioned be not exceeded, the said guarantee may, notwithstanding any thing to the contrary in the said Acts, be given to the extent

of Forty Thousand Pounds sterling, so soon as it shall be ascertained, by the Report of any Engineer or Engineers to be appointed for that purpose by the Governor of this Province, that One Hundred Thousand Pounds sterling has been actually, and with due regard to economy, expended on the said Railway by the said Company, in work or materials delivered on the ground, or both conjointly; and whenever it shall be ascertained in like manner that another sum of One Hundred Thousand Pounds sterling has been so expended as aforesaid, then the guarantee of the Province may be given for another sum of Forty Thousand Pounds sterling, and so on *toties quoties* until such guarantee shall have been given to the whole extent hereby before limited: **Provided** always, that such guarantee shall, except in so far as otherwise provided by this section, be subject to all the provisions of the Act first cited in this section as amended by that secondly cited therein, and may, under the provisions of the twenty-second section of the Act last mentioned, be given by issuing and delivering to the said Company Provincial Debentures for the amount to be guaranteed, in exchange for the Bonds of the Company, to which Bonds all the provisions of the said section and of the said Acts shall apply.

XXIX. Provided always, and be it enacted, That the said Company may, by any By-law to be passed for that purpose, and assented to and confirmed by a majority of votes of the Shareholders at a Special General Meeting thereof, to be called for the purpose of considering such By-law, renounce the benefit of the guarantee mentioned in the next preceding section; and if such By-law be so passed, assented to and confirmed, and a copy thereof, duly certified, be delivered to the Provincial-Secretary, then the said guarantee shall not be thereafter given; and if at the time of the delivery of the copy of such By-law to the Provincial Secretary, the said guarantee shall not have been given to the said Company, the nine Directors appointed by the Governor shall go out of office, and no others shall be appointed in their stead; and if the said guarantee has been given to the said Company before a copy of such By-law shall be delivered to the Provincial Secretary, then as soon thereafter as all the Bonds or Debentures of the said Company to which the said guarantee has been given, and all Provincial Debentures delivered to the said Company in exchange for their Bonds,

Provided.

**Company
may re-
nounce their
guarantee.**

shall have been delivered up to the Receiver-General to be cancelled, so that the Province shall be relieved from all responsibility or liability arising out of the said guarantee, then the said nine Directors shall go out of office, and no others shall be appointed in their stead : And when the said nine Directors shall so go out of office under this section, the nine elective Directors and their successors in office, shall thenceforth be the sole Directors of the Company, and have and exercise all the powers hereby conferred on the Directors thereof.

16th VICTORIA, CAP. 44.

AN ACT

To incorporate The Hamilton and Toronto Railway Company.

[PASSED 10th November, 1852.]

WHEREAS it is highly desirable that a Railway should be made from the Terminus of the Great Western Railroad at the City of Hamilton, to the City of Toronto, and the persons hereinafter mentioned have petitioned to be incorporated for that purpose: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That Robert W. Harris, of the City of Liverpool, Merchant, Samuel Laing, of the City of Brighton, Member of the House of Commons, John Masterman, of the City of London, Banker, Peter Buchanan, of the City of Glasgow, Merchant, William Shaw, of the City of London, Esquire, Isaac Buchanan, Henry McKinstry, W. P. McLaren, Richard Juson, John Young the elder, George S. Tiffany, William L. Distin, John Fisher, Hector Munro, Edmond Ritchie, Alexander Campbell, Andrew Stuart, all of the City of Hamilton, Esquires, Sir Allan Napier McNab, of Dundurn, the Honorable William Allan, the Honorable William B. Robinson, William Caley, Joseph C. Morrison, Thomas G. Ridout, and John Cameron, all of the City of Toronto, Esquires, Doctor James Hamilton, of West Flamboro', Walter H. Dickson, of the Town of Galt, Esquire, together with such other persons as shall under the provisions of this Act become subscribers to or proprietors of any share or shares in the Railway hereby authorized to be made, and their several and respec-

Preamble.

Certain persons incorporated.

tive heirs, executors, administrators, curators or assigns, being proprietors of any share or shares in the said Railway, shall be and are hereby united into a Company for constructing, maintaining and working the said Railway, according to the Rules, Orders and Directions of this Act, and shall for that purpose be one body corporate and politic, by the name and style of *The Hamilton and Toronto Railway Company*; and the said Company shall be, and are hereby authorized and empowered, from and after the passing of this Act, by themselves, their deputies, agents, officers, workmen, and servants, to make and complete a Railway, to be called *The Toronto and Hamilton Railway*, from the Terminus of the Great Western Railroad at the City of Hamilton, to the City of Toronto, upon such line as may be found most advantageous for the purpose, the said line being first approved by the Governor in Council, and also to make and complete a Branch Railway from such point on the Great Western Railroad as they may deem most advantageous, to Port Dalhousie on Lake Ontario.

Corporate name.

Line of Railway to be made by them.

Branch to Port Dalhousie.

Guage.

Main Railway to be part of Main Trunk Line.

Company to raise capital for making the Railway.

Books of subscription to be opened.

II. And be it enacted, That the Guage of the said Railway and of the said Branch Railway, shall be five feet six inches, and the said Railway (but not the said Branch Railway,) shall be held to form part of the Main Trunk Line of Railway, and the said Company shall accordingly upon complying with all the provisions of the law in that behalf, be entitled to the benefit of the Guarantee of the Province, to the extent and in the manner by law provided.

III. And be it enacted, That it shall be lawful for the said Company to raise and contribute among themselves, in such proportions as to them shall seem meet and convenient, a competent sum of money for making and completing the said Railway and Branch, and all such other works, matters, and conveniences as may be found necessary for making, effecting, preserving, improving, completing, maintaining, and using the said Railway and Branch and other works: Provided always, that the parties hereinbefore named, or a majority of them, shall cause books of subscription to be opened simultaneously in the Cities of Hamilton and Toronto, and afterwards in such other places as they may from time to time appoint, until the first meeting of Shareholders hereinafter provided for, for receiving the signatures of persons willing to become subscribers to the said undertaking, and for

this purpose they shall give public notice in the *Canada Gazette*, and such other newspapers as the majority of them may think proper, of the time and place at which such books will be opened and ready for receiving signatures as aforesaid, and of the persons by them authorized to receive such subscriptions; and every person who shall write his or her signature in such book, as a subscriber to the said undertaking, and shall, at the time of subscription, pay to the persons authorized to receive the said subscriptions, ten per centum on the amount of Stock so subscribed for, shall thereby become a member of the said Company, and shall have the same rights and privileges as such, as are hereby conferred on the several persons who are herein mentioned by name as Members of the said Company; Provided always, that the said parties, or the majority, may reserve one-half of the whole Capital Stock of the said Company for subscription in Great Britain, if they deem it expedient.

Notice.

Ten per cent
to be paid
down.

Proviso.

IV. And be it enacted, That the sum so to be raised or subscribed shall constitute the Capital Stock of the said Company, and shall not exceed in the whole the sum of four hundred and fifty thousand pounds, currency; and the money so to be raised and subscribed is hereby directed and appointed to be laid out and applied in the first place, for paying and discharging all fees and disbursements for obtaining and passing this Act, and for making the plans, surveys and estimates incident thereto, and all the rest, residue and remainder of such money, for and towards making, completing and maintaining the said Railway and Branch, and other the purposes of this Act, and to no other use, intent or purpose whatever.

Amount capital stock.

To what purposes to be applied.

V. And be it enacted, That the said Capital Stock of the said Company shall be divided into shares of twenty-five pounds currency, each, and each holder of or subscriber for any share or shares shall have a part of the profits of the said undertaking, proportionate to the number of shares he shall hold or have subscribed for, and shall pay a part of the expenses incurred in carrying this Act into effect, proportionate to the number of shares he shall hold or have subscribed for.

Amount of each share.

VI. And be it enacted, That the first general meeting of the subscribers to the said undertaking, shall be held at the

First general meeting

Election of
Directors.

Notice.

Annual
meetings.

Spec'l meet-
ings, and
other mat-
ters, to be
regulated by
By-law.

Certain pro-
visions of
the Acts re-
lating to the
Great West-
ern Railway
Company (U.
C. 4 W. 4, c
24,) incorpo-
rated with
this Act.

City of Hamilton, whenever four hundred and fifty shares in the Capital Stock of the said Company shall have been *bona fide* subscribed for, and ten per centum paid thereon as aforesaid, and at such meeting nine persons, being each a subscriber for at least forty shares, who shall have paid ten per centum thereon, shall be chosen Directors of the said Company, to hold their office until the first annual meeting of the Shareholders; and due notice shall be given of the time and place of such first meeting by the persons hereinbefore appointed, in the manner provided for with regard to the notice to be given by them touching the books of subscription.

VII. And be it enacted, That the annual meetings of the Shareholders of the Company shall be held at the place and on the day in each year to be fixed by the By-laws of the Company, by which also the mode of calling special meetings of the Shareholders shall be fixed, and all other matters and things relative to the manner of conducting and managing the business and affairs of the said Company, for which no special provision is made by this Act; but no such By-law shall be inconsistent with the provisions of this Act, or with those of the Acts relative to the Great Western Railroad Company, which are hereinafter extended to the Company hereby incorporated, or with the laws of this Province.

VIII. And be it enacted, That all the provisions of the Act of the Parliament of Upper Canada, passed in the fourth year of the Reign of His late Majesty King William the Fourth, and intituled, *An Act to incorporate the London and Gore Railroad Company*, and of the Acts of the Parliament of this Province, reviving, extending, or amending the same, or relating to the Company thereby incorporated, and now called the Great Western Railroad Company, which shall be in force at the time of the passing of this Act, and shall not be inconsistent with this Act, or provide for matters provided for by this Act, shall be and are hereby incorporated with this Act, and shall extend and apply to the Company hereby constituted, and the Railway and Branch which they are empowered to make, as fully and effectually as if the said provisions were herein repeated and re-enacted with respect to the said Company and to the said Railway and Branch.

IX. And be it enacted, That the said Company shall have power to borrow money to an amount not exceeding in the whole the sum of one hundred thousand pounds; but except only as regards the amount to be borrowed, the provisions of the Acts above referred to, as regards loans raised by the Great Western Railroad Company, shall apply to those raised by the Company hereby incorporated.

Company
may borrow
£100,000,
and under
what provi-
sions.

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

Public Act.

AN ACT

For erecting a Suspension Bridge over the Niagara River, at or near the Falls of Niagara.

Reserved for the signification of Her Majesty's pleasure, 9th June, 1848. The Royal Assent given by Her Majesty in Council, on the 30th October, following; and Proclamation made thereof by His Excellency EARL CATRICART, in the Canada Gazette of December 26, 1848.

Preamble.

WHEREAS Samuel De Veaux, James Buchanan, Thomas Street, C. B. Stuart, P. Whitney, W. H. Merrit, James Cummings, Oliver T. Macklim, James R. Benson, William Wright, and others, have by petition set forth the great facility and convenience which the construction of a Suspension Bridge over the Niagara River near the Falls would offer to the public; and have prayed that they, and such others as may be associated with them for the purposes hereinafter mentioned, may be incorporated, and certain powers granted them to enable them to construct such a bridge: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted

Company incorporated for the purpose of building such bridge

Corporate name.

by the authority of the same, That the said Samuel De Veaux, James Buchanan, Thomas Street, C. B. Stuart, P. Whitney, W. H. Merrit, James Cummings, Oliver T. Macklim, James R. Benson, William Wright, and all persons who shall become Shareholders in the undertaking hereinafter mentioned pursuant to this Act, shall be and they are hereby constituted a body corporate and politic by and under the name, style and title of *The Niagara Falls Suspension Bridge Company*, with power to unite with any other persons, company or body politic, to construct a suspension or other bridge across

the Niagara River, at or near the Falls, with the necessary approaches thereto with rail, macadamized or other roads, and to connect the same with any other road now or hereafter to be made; and the said Corporation by the name aforesaid shall and may, they and their successors, have continued succession, and be capable of contracting and being contracted with, suing and being sued, pleading and being impleaded, answering and being answered unto in all Courts and places whatsoever in all manner of actions, suits, complaints, matters and concerns whatsoever; and they and their successors may and shall have a Common Seal, and may change and alter the same at their will and pleasure; and also that they and their successors, under the said name of *The Niagara Falls Suspension Bridge Company*, shall be by law capable of purchasing, having and holding any real or personal estate to and for the use of the said company, and of conveying the same for the benefit of the said company: Provided always, nevertheless, that the value of the real estate so holden by the said company at any one time shall not exceed one hundred and twenty-five thousand pounds, currency.

II. And be it enacted, That one hundred and twenty-five thousand pounds shall constitute the Capital Stock of the said company, and that the same shall be divided into shares of twenty-five pounds each.

III. And be it enacted, that the stock and affairs of the said Corporation shall be managed by seven Directors, who shall be Stockholders, annually chosen (except at the first election) on the first Monday of May in each year, at such place in the District of Niagara as a majority of the Directors shall appoint, of which due notice shall be given at least ten days before such election: each Stockholder at all elections of Directors shall be entitled, either in person or by proxy, to one vote for each share of stock held in his own name at least fourteen days previous to the time of voting: all elections shall be by ballot, and the persons having the greatest number of votes shall be Directors, and shall hold their offices for one year and until others shall be chosen in their places: the Directors shall, at their first meeting after each election, appoint one of their number to be President, and shall have power to appoint a Treasurer.

IV. And be it enacted, That the Directors may require from the Stockholders payment of all sums of money by them subscribed, by instalments not exceeding five per cent. per month, at such times and in such proportions as may be

Corporate
powers.

Common
Seal

May hold
real and per-
sonal estate.

Proviso:
Amount of
such proper-
ty limited.

Amount of
capital lim-
ited.

Affairs of
the Comp'y
to be man-
aged by
seven Direc-
tors.

Qualification
for voting at
elections.
Election by
ballot.

Term of of-
fice.

President to
be chosen.

Payment of
sums sub-
scribed for
how enforce'd

deemed proper, under the penalty of the forfeiture of their respective shares and of all previous payments thereon.

Commissioners appointed to open books for subscription.

Giving thirty days' notice.

Sum to be paid on subscribing.

First meeting for distributing the stock among the subscribers.

Notice to be given by the Commissioners of the first meeting for the election of Directors.

Papers to be delivered to the Directors.

Survey of site for bridge, and road to it, and power

V. And be it enacted, That the said James Buchanan, Thomas Street, James Cummings and W. H. Merri't, Esquires, shall be Commissioners, who shall, on the first Monday in June next, at the Falls aforesaid, and at such other place or places as they or a majority of them shall appoint, open books to receive subscriptions to the Capital Stock of the said Corporation; and that thirty days' public notice shall be given by the said Commissioners of the time and place of opening such books, in a public newspaper printed and published in the District of Niagara; and that the said books shall remain open for at least three days at the several places where the same may be opened under the direction of one or more of the said Commissioners; and such sum as they may think expedient, not exceeding five per cent. shall be paid on each share subscribed at the time of subscribing.

VI. And be it enacted, That the said Commissioners shall assemble at the Falls of Niagara on the first Monday of July next, or as soon thereafter as the whole Capital Stock of the said Corporation shall be taken up, and shall proceed to distribute the said stock amongst the subscribers thereto, and in case there shall be subscriptions to more than the amount of such stock within the term specified for keeping open the said books, it shall then be the duty of the said Commissioners to apportion the same among the subscribers in such manner as a majority of them shall deem most advisable; and as soon as the stock shall be distributed, the said Commissioners shall give notice of a meeting of the Shareholders at such time and place as a majority of the Commissioners shall appoint to choose seven Directors; the notice last mentioned shall be published for the same time and in the same manner as the notice hereinbefore mentioned, and such election shall be made at the time and place so to be appointed by such of the Shareholders as shall attend for that purpose either in person or by lawful proxy; and the said Commissioners shall deliver over the subscription money and books to the said Directors, and the time and place of holding the first meeting of Directors shall be fixed by the Commissioners; and the said Directors shall have power to cause such examination and surveys of the way to and locations for the said bridge as may be necessary to the selection of the most advantageous site for the same, and shall have

full power to enter upon, take and occupy any lands necessary for the construction of the said bridge or the rail or other roads leading to or from the same, first paying or tendering the value thereof, which value shall be determined by two persons selected, one by the claimant and the other by the said company, and in case they do not agree, a third person shall be appointed by the Governor or other Person administering the Government, whose decision shall be final; and the said Directors shall select, and by certificates designate the ways to and site of the said bridge, copies of which certificates shall be filed in the office of the Registrar of the County of Lincoln, and such ways and site shall be deemed the way to and site for the said bridge, and on which the said Corporation may make and construct the said ways and bridge as hereinbefore mentioned.

VII. And be it enacted, That the fines and forfeitures authorized to be imposed by any Justice of the Peace by this Act, shall and may be levied and collected by distress and sale of the offender's goods and chattels, under the authority of any warrant to be for that purpose issued by any such Justice, who is hereby authorized and empowered to grant the same.

VIII. And be it enacted, That if any person shall willingly do or cause to be done any act or acts whatever whereby the said bridge or any thing appertaining thereto shall be impaired or injured, the person or persons so offending shall forfeit and pay to the said corporation treble the damages sustained by means of such offence or injury, to be recovered in the name of the corporation, with costs of suit by action, and shall be, moreover, guilty of a misdemeanor and be punishable by fine or imprisonment, or both, by any Court having cognizance of such offence: Provided that nothing in this Act contained shall be construed to extend to take away the jurisdiction given to Justices of the Peace by an Act passed in the fourth and fifth years of the Reign of Her present Majesty, intituled, *An Act for consolidating and amending the Laws in this Province relative to malicious injuries to property.*

IX. And be it enacted, That whenever the said bridge shall be completed and its safety fully tested, and the fact certified by a majority of the Directors, the said Corporation may erect a gate or gates, and determine and establish the rates of tolls to be demanded for the use of the said bridge.

to the Company to take the land requisite.

Compensation to parties how to be settled

Directors to file certain certificates of the site chosen, &c.

Fines and forfeitures how levied.

Penalty on persons willfully injuring bridge or the works connected with it.

Proviso: Jurisdiction of Magistrates under 4 & 5 Vic., cap. 26 not to be affected by this Act.

What tolls may be taken.

Penalty on
persons for-
cibly passing
the bridge.
£20.

How recov-
ered.

Corporation
authorized
to make By-
laws.

Penalties
imposed.

Penalty on
toll-gatherer
for miscon-
duct in cer-
tain cases.

Power of Di-
rectors to
manage the
property of
the Comp'ny

Bridge to be
constructed
within ten
years.

Limitation
of actions.

X. And be it enacted, That if any person or persons shall forcibly pass any gate without having paid the legal toll, such person or persons shall forfeit and pay to the said Corporation a sum of not less than two pounds and not exceeding twenty pounds, to be recovered before any Justice of the Peace of the Niagara District, in the same manner as any other fines are recoverable before Justices of the Peace.

XI. And be it enacted, That the said Corporation shall have power to make such Rules and pass such By-laws as they may think reasonable and proper, with suitable penalties (not exceeding in any case twenty pounds) touching the speed in passing over the said bridge and the weight to be admitted thereon at any one time; which Rules, as well as the rates of toll, shall be plainly painted on a board or cloth, and put up on or near each gate in a conspicuous place; and such penalties, if incurred, shall be recoverable in like manner as the penalties hereby imposed.

XII. And be it enacted, That if any toll-gatherer shall unreasonably and without cause, delay or hinder any passenger or the passage of any property agreeably to the rule prescribed in such case, or shall demand or receive more than the legal toll, he shall for every such offence forfeit the sum of one pound five shillings currency, to be recovered with costs for the use of the person so delayed, hindered or defrauded; and any one Justice of the Peace for the Niagara District may, on conviction of such offender, fine such person in the said penalty, and levy such fine in the manner aforesaid.

XIII. And be it enacted, That the Directors for the time being, or a majority of them, shall have power to make and subscribe such Rules and By-laws as to them shall appear needful and proper, touching the management and disposition of the stock, property, estate and effects of the said Corporation, and touching the duties of its officers, clerks and servants, their appointments and salaries, and all such other matters and things as shall appertain to the business of the said Corporation.

XIV. And be it enacted, That if the said bridge shall not be constructed and used within ten years from the passing of this Act, then the said Corporation and the privileges hereby conferred upon it shall from thenceforth cease and determine.

XV. And be it enacted, That if any action or suit shall be brought against any person or persons for any matter or thing

done in pursuance of this Act, such action or suit shall be brought within six calendar months next afterwards; and the defendant or defendants in such action or suit may plead the general issue only, and give this Act and the special matter in evidence on the trial.

XVI. And be it enacted, That this Act shall be deemed and taken to be a public Act, and as such shall be judicially noticed by all judges, Justices of the Peace and other persons, without being specially pleaded. Public Act.

XVII. And be it enacted, that notwithstanding the privileges hereby conferred, the Legislature may at any time hereafter make such addition to this Act, or such alterations of any of its provisions as they may think proper, for affording just protection to the public, or to any person or persons, body politic and corporate, in respect to their estate, property or rights, or any interest therein, or any advantage, privilege or convenience connected therewith, or in respect to any way or right, public or private, that may be affected by any of the powers given by this Act. Legislature may at any time alter the provisions of this Act.

AN ACT

To increase the Capital Stock of The Niagara Falls Suspension Bridge Company.

[ASSENTED TO 22nd April, 1853.]

Preamble.

Increase of
Capital
Stock au-
thorised.

Instalments.

Proviso: ten
per cent. to
be paid
down, &c.

WHEREAS the Niagara Falls Suspension Bridge Company have represented that the cost of their Bridge when completed will exceed the amount of their present Capital, and have prayed that they may have power to increase the same, and it is expedient to grant the prayer of their petition: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That it shall and may be lawful for a majority of the whole number of Directors of the said Company to add to their present Capital Stock, the sum of Twelve Thousand Five Hundred Pounds currency, divided into five hundred Shares of Twenty-Five Pounds each, which Shares shall and may be subscribed for either in or out of the Province, in such proportions or numbers, and at such times and places, and under such regulations and on such conditions as such majority of Directors shall from time to time establish, and the shares subscribed for shall be paid in by such instalments not exceeding five per cent. per month, and at such times and places as the majority of such Directors shall from time to time appoint; Provided that no Share shall be held to be legally subscribed for, unless ten per centum thereof at the least be paid at the time of subscribing, and that the provisions of the fourth Section of the original Act of Incorporation of the said Company, as to the forfeiture of Shares and all previous payments thereon, shall be applicable to all cases in which instalments on the

Shares subscribed for in the increased capital, shall be unpaid.

II. And be it enacted, That the holder of any such additional or new Share or Shares, shall be entitled to vote in respect of the same, in like manner and to the same extent as the original Shareholders in the said Company.

Votes on
New Stock.

III. And be it enacted, That nothing in this Act contained, shall be adjudged or construed to take away or lessen the power of the said Company further to increase their said Capital under the Sixth Section of the Act passed in the twelfth year of Her Majesty's Reign, and intituled, *An Act to amend the Act Incorporating The Niagara Falls Suspension Bridge Company*, in the event of the construction of the Foot Bridge contemplated by the said Act; Provided always, that the whole Capital Stock of the said Company shall be limited to the sum of Fifty Thousand Pounds.

Act not to
prevent in-
crease of
Capital un-
der 12 V. c.
161.

Proviso.

IV. And be it enacted, That this Act and the Act lastly herein recited shall be deemed and taken to be Public Acts.

This Act and
12 V. c. 161,
to be Public
Acts.

AN ACT

To Incorporate the Niagara Harbour and Dock Company.

[PASSED 16th March, 1831.]

Preamble.

WHEREAS James Muirhead, Robert Dickson, Thomas Butler, Daniel M'Dougal, Ralph Morden Crysler, William Duff Miller, Lewis Clement, John Crooks, Thomas M'Cornick, James Lockhart, and Robert Kay, and others of the Town and neighbourhood of Niagara, have by petition prayed to be incorporated as a Joint Stock Company, for the purpose of constructing, erecting and managing a harbour, wharf, dry and wet docks, in conjunction with an iron marine railway, for constructing, repairing and refitting any shipping, vessels, or craft navigating Lake Ontario, at the mouth of the Niagara River: *And Whereas* it is expedient to incorporate the said petitioners for the purposes herein-after mentioned: *Be it therefore enacted* by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America,' and to make further provision for the Government of the said Province," and by the authority of the same, That the said James Muirhead, Robert Dickson, Thomas Butler, Daniel M'Dougal, Ralph Morden Crysler, William Duff Miller, Lewis Clement, John Crooks, Thomas M'Cornick, James Lockhart, and Robert Kay, together with all such other persons as shall become Stockholders in such joint stock or capital, as is hereinafter mentioned, shall be and are hereby ordained, constituted and declared to be a body corporate and politic, in fact, by and under the name and style of "the Niagara Harbour and Dock Company;" and by that

The Niagara
Harbor and
Dock Com-
pany incor-
porated.

General
powers.

name they and their successors shall and may have continued succession, and by such name shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded, answering and being answered unto in all Courts and places whatsoever, in all manner of actions, suits, complaints, matters and concerns whatsoever; and that they and their successors may and shall have a common seal, and may change and alter the same at their will and pleasure; and also, that they and their successors, by the same name of "the Niagara Harbour and Dock Company," shall be by law capable of purchasing, having and holding, to them and their successors, any estate, real, personal or mixed, to and for the use of the said Company, and of letting, conveying and otherwise departing therewith, for the benefit and on account of the said Company, from time to time as they shall deem necessary and expedient.

II. *And be it further enacted by the authority aforesaid,* That the said Company may be authorized and empowered, at their own costs and charges, to construct a harbour and wharf and wharves, with a dry dock or railway, regulated for refitting and repairing all shipping at Niagara afore, said; which said wharf or wharves, harbour and dry dock or railway, shall be accessible to, and fit, safe and commodious for the reception of such description and burthen of sail or steam vessels as now navigate Lake Ontario; and also to erect and build all such necessary and needful moles, piers, wharves, break-waters, or other erection or constructions whatsoever, as shall be useful and proper for the purposes aforesaid, and the protection of the harbour, wharf or wharves, docks or railways, and for the accommodation and convenience of vessels entering, lying, loading and unloading, repairing, refitting or laying up in the same; and to alter, amend, repair and enlarge the said harbour, wharf or wharves, and docks or railway, as aforesaid, as may from time to time be found necessary and expedient.

III. *And be it further enacted by the authority aforesaid,* That the Directors of the said Company may be empowered to contract, compound, compromise and agree, with the owners or occupiers of any lands or private easements, rights or privileges, upon which they may determine to dredge, cut, and construct the said Harbour, with all necessary and convenient roads, streets and approaches thereto, to be made and constructed, either by purchase of so much of the said land or private easements and privileges as they shall require

Company
authorised
to construct
a Harbour,
&c. at Nia-
gara.

Company
may agree
with owners
of any prop-
erty upon
which their
improve-
ments may
be made, for
purchase
thereof or
for damages
done by the
Company.

which he, she or they, shall and may be entitled to receive of the said Company in consequence of the said intended Harbour, roads, streets and approaches thereto, being cut, made and constructed, in and upon his, her or their respective lands; and in case of any disagreement between the said Directors, and the owner or owners, occupier or occupiers, aforesaid, it shall and may be lawful from time to time, as often as the said Directors shall think fit for each owner or occupier, so disagreeing with the said Directors, either upon the value of the lands and tenements, or private privileges proposed to be purchased, or upon the amount of damages to be paid to them, as aforesaid, to nominate and appoint one or more indifferent person or persons, and for the said Directors to nominate an equal number of indifferent persons, who, together with one other person to be elected by ballot by the persons so named, shall be arbitrators to award, determine, adjudge and order the respective sums of money which the said Company shall pay to the respective persons entitled to receive the same, the award of the majority of whom shall be final; and the said Arbitrators shall, and they are hereby required to attend at some convenient place in the vicinity of the said intended Harbour, to be appointed by the said Directors, after eight days' notice given them for that purpose by the said Directors, then and there to arbitrate, award, adjudge and determine, such matters and things as shall be submitted to their consideration, by the parties interested; and that each Arbitrator shall be sworn before some one of His Majesty's Justices of the Peace in and for the said District, any of whom may be required to attend the said meeting for that purpose, well and truly to assess the damages between the parties according to the best of his judgment: *Provided always*, that any award made under this Act, shall be subject to be set aside on application to the Court of King's Bench, in the same manner and on the same grounds as in ordinary cases of submission by the parties, in which case a reference may be again made to arbitration as hereinbefore provided.

Arbitrators may be appointed to settle all differences between the Company and individuals.

Award may be made a rule of the Court of King's Bench

Directors to fix the rates of toll and wharfage.

IV. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for the President and Directors of the said Company, from time to time, to regulate, fix and establish, the rates of wharfage, tolls, dues or duties, payable by persons navigating or owning rafts, vessels, boats or other craft on Lake Ontario, and which may from

time to time partake of the benefits and advantages of the said Harbour, wharves docks or railway, or of the store-houses or other protections and erections for the safe-keeping, repairing and refitting of all vessels, boats, craft and rafts, of any description, and of goods, wares and merchandize, shipped or unloaded within the limits established by this Act, and to alter the said tolls, dues, duties and demands aforesaid, as they may deem proper and expedient; and also for regulating the discharging of ballast, as well in the said Harbour as in the River immediately adjacent thereto, a copy of which tolls, rates and dues, shall be affixed up in not less than three public places adjacent to the said Harbour and docks, and railway, respectively.

V. *And be it further enacted by the authority aforesaid,* That the said Harbour, moles, piers, wharves, and wet-dock and dry-dock, or railway, and all materials which shall be from time to time got or provided for constructing, building, maintaining or repairing the same, and the said tolls on goods, wares or merchandize, as hereinbefore mentioned, shall be and the same are hereby vested in the said Company and their successors for ever.

The Harbor, &c. shall be vested in the Company.

VI. *And be it further enacted by the authority aforesaid,* That so soon as the said Harbour, wharves, wet-dock and railway, shall be so far completed as to be capable of receiving, sheltering and repairing vessels, the said Company shall have full power and authority to ask for, demand, receive, recover and take, the tolls and dues to be established by virtue of this Act, to and for their own proper use and benefit, on all goods, merchandizes and articles whatsoever, shipped on board or landed out of any vessel or boat entering, using or occupying the said Harbour, wharves, wet-dock and railway, or any other convenience, erection or improvement, built, occupied or owned by the said Company.

Period when Company shall begin to demand tolls.

VII. *And be it further enacted by the authority aforesaid,* That the said Company, or their servants or agents, at any time after the passing of this Act, under and by virtue of its provisions, shall and may excavate, dig, dredge, construct, erect and finish the said Harbour, wharves, wet-dock and railway respectively, or any of them, on any part or portion of the land or beach lying immediately adjacent to the Niagara River, and between the ferry lot in the occupation of Andrew Heron, junior, in the rear of the present Government wharf and ware-house, and the lot in the possession of Andrew Heron, senior, situate at the termination of King street, in the

Harbour, &c. to be constructed between the Ferry lot on the Niagara River and the termination of King Street on the Bank of the said River.

Town of Niagara : *Provided always*, that the said area or space between the said limits, so defined, do not recede or extend in the rear from the river further than the summit of the hill or bank adjacent; and also, that the said erections or constructions contemplated by this Act, shall not in any degree interfere with, or encroach on any fee simple, right or private easement or privilege of any individual now holding and enjoying the same, or entitled thereto, without the permission first had and obtained, either by the consent of such owner or owners thereof, or by virtue of reference authorized by this Act.

Goods, vessels and boats may be seized for non-payment of tolls.

VIII. *And be it further enacted by the authority aforesaid*, That if any person or persons shall neglect or refuse to pay the tolls or dues to be collected under this Act, it shall and may be lawful for the said Company, or their officer, clerk or servant duly appointed, to seize or detain the goods, vessels or boats, on which the same shall be due and payable, until such tolls shall be paid; and if the same shall remain unpaid for the space of thirty days next after such seizure, the said Company, or their officer, clerk or servant, as aforesaid, may sell or dispose of the said goods, vessels or boats, or such part thereof as may be necessary to pay the said tolls or dues, by public auction, giving ten days' notice thereof, and return the overplus, if any, to the owner or owners thereof.

Seven Directors to be elected annually, one whereof to be the President.

Mode of electing Directors.

IX. *And be it further enacted by the authority aforesaid*, That the property, affairs and concerns of the said Company, shall be managed and conducted by seven Directors, one of whom shall be chosen President, who shall hold their offices for one year; which said Directors shall be Stockholders to the amount of at least four shares, and be elected on the first Monday in June in every year, at Niagara, at such time of the day as a majority of the Directors for the time being shall appoint, and public notice thereof shall be given in any newspaper or newspapers that may be published in the said District of Niagara, at least thirty days previous to the time of holding the said election; and the said election shall be held and made by such of the Stockholders of the said Company as shall attend for that purpose in their own proper persons or by proxy; and all elections for such Directors shall be by ballot, and the seven persons who shall have the greatest number of votes at any election shall be Directors; and if it shall happen at any such election that two or more have an equal number of votes, in such manner that a greater

number of persons than seven shall, by a plurality of votes, appear to be chosen Directors, than the said Stockholders hereinbefore authorized to hold such election shall proceed to elect by ballot, until it is determined which of the said persons so having an equal number of votes shall be Director or Directors, so as to complete the whole number of seven; and the said Directors so chosen, so soon as may be after the said election, shall proceed in like manner to elect by ballot one of their number to be President; and if any vacancy or vacancies shall at any time happen among the Directors, by death, resignation or removal from the Province, such vacancy or vacancies shall be filled for the remainder of the year in which they may happen by a person or persons to be nominated by a majority of the Directors.

How vacancies occurring during the year are to be filled.

X. *And be it further enacted by the authority aforesaid,* That each Stockholder shall be entitled to the number of votes proportioned to the number of shares which he or she shall have held in his or her own name, at least one month prior to the time of voting, according to the following rates, that is to say: one vote for each share not exceeding four; five votes for six shares; six votes for eight shares; seven votes for ten shares; and one vote for every five shares over ten.

Stockholders to have vote in proportion to their shares in the capital stock

XI. *And be it further enacted by the authority aforesaid,* That in case it should at any time happen that an election of Directors should not be made on any day when pursuant to this Act it ought to have been made, the said Corporation shall not for that cause be deemed to be dissolved, but it shall and may be lawful on any day to make and hold an election of Directors, in such manner as shall have been regulated by the by-laws and ordinances of the said Corporation.

Corporation not dissolved by neglect to choose Directors on the day appointed.

XII. *And be it further enacted by the authority aforesaid,* That the Directors, for the time being, or a major part of them, shall have power to make and subscribe such rules and regulations as to them shall appear needful and proper, touching the management and disposition of the stock, property, estate and effects of the said Corporation, and touching the duty of the officers, clerks and servants, and all such other matters as appertain to the business of the said Corporation: and shall also have power to appoint as many officers, clerks and servants, for carrying on the said

Directors may make by-laws.

business, with such salaries and allowances as to them shall seem fit.

First meet-
ing of Stock-
holders.

XIII. *And be it further enacted by the authority aforesaid,* That on the fourth Monday after the passing of this Act, a meeting of the Stockholders shall be held at Niagara, who, in the same manner as hereinbefore provided, shall proceed to elect seven persons to be Directors, who shall continue in such office until the first Monday in June next after their election, and who during such continuance shall discharge the duties of Directors, in the same manner as if they had been elected at the annual election: *Provided always,* that if shares to the amount of £1000 of the capital stock of the said Company shall not be taken, then the said meeting shall not be held until the amount of stock shall have been taken up, and at least thirty days' notice thereof be given in any paper or papers published in the District of Niagara.

Capital stock
not to ex-
ceed \$25,000

XIV. *And be it further enacted by the authority aforesaid,* That the whole capital or stock of the said Company, inclusive of any real estate which the Company may have or hold by virtue of this Act, shall not exceed in value twenty-five thousand pounds, to be held in two thousand shares, of twelve pounds ten shillings each; and that the shares of the said capital stock may, after the first instalment thereon shall have been paid, be transferred by the respective persons, subscribing or holding the same, to other person or persons, and such transfer shall be entered or registered in a book or books to be kept for that purpose by the said Company.

Stock to be
called in by
instalments.

XV. *And be it further enacted by the authority aforesaid,* That so soon as Directors have been appointed, as aforesaid, it shall and may be lawful for them to call upon the Stockholders of the said Company, by giving thirty days' notice thereof in any paper or papers published in the said District of Niagara, for an instalment of ten per cent. upon each share which they, or any of them respectively, may subscribe; and that the residue of the sum or shares of the Stockholders shall be payable by instalments, in such time and in such proportions as a majority of the Stockholders, at a meeting to be expressly convened for that purpose, shall agree upon, so as no such instalments shall exceed ten per cent., nor become payable in less than thirty days after public notice in the paper or papers, as aforesaid: *Provided always,* that the said Directors shall not commence the construction of the said Harbour, wharves and docks, or railway, until the first instalment shall be paid in.

XVI. *And be it further enacted by the authority aforesaid,* That if any Stockholder or Stockholders, as aforesaid, shall refuse or neglect to pay, at the time required, any such instalment or instalments as shall be lawfully required by the Directors, as due upon any share or shares, such Stockholder or Stockholders, so refusing or neglecting, shall forfeit such share or shares, as aforesaid, with any amount which shall have previously been paid thereon, and that the said share or shares may be sold by the said Directors; and the sum arising therefrom, together with the amount previously paid in, shall be accounted for and applied in like manner as other moneys of the said Company: *Provided always,* that the purchaser or purchasers shall pay the said Company the amount of the instalment required, over and above the purchase money of the share or shares so purchased by him, her or them, as aforesaid, immediately after the sale, and before they shall be entitled to the certificate of the transfer of such shares so purchased as aforesaid: *Provided always,* that thirty days' notice of the sale of such forfeited shares shall be given in any newspaper or newspapers published in the District of Niagara, and that the instalments due may be received in redemption of any such forfeited share at any time before the day appointed for the sale thereof.

Stock forfeited upon default of payment of instalments called for.

XVII. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the Directors to make annual dividends of so much of the profits of the said Company as to them, or the majority of them, shall seem advisable; and that once in each year an exact and particular statement shall be rendered of the state of their affairs, debts, credits, profits and losses; such statements to appear on the books, and to be open to the perusal of any Stockholder, at his or her reasonable request.

Directors to declare the dividends.

And to render an account of the affairs of the Company annually to the Stockholders.

XVIII. *And be it further enacted by the authority aforesaid,* That this Act shall be deemed and taken to be a public Act, and as such shall be judicially noticed by all Judges, Justices of the Peace, and other persons, without being specially pleaded.

This to be deemed a Public Act.

XIX. *And be it further enacted by the authority aforesaid,* That at any time after fifty years after the making and completing the said Harbour, His Majesty, His Heirs and Successors, may assume the possession and property of the for the purposes of the said Company, or for the damages

After fifty years the King may assume the possession of the Harbour &c. on paying therefor.

same, and of all and every the work and dependencies thereto belonging, upon paying to the said Company, for the use of the Stockholders thereof, the full amount of the then respective shares, or of the sums furnished and advanced by each subscriber towards the making and completing the said Harbour, wharves, wet dock and dry dock, or railway, together with such further sum as will amount to twenty-five per cent. upon the moneys so advanced and paid, as a full indemnification to such Company; and the said Harbour, wharves, wet dock and dry dock, or railway, shall, from the time of such assumption in manner aforesaid, appertain and belong to His Majesty, His Heirs and Successors, who shall from thenceforth be substituted in the place and stead of the said Company, upon the conditions and subject to the provisions of any Act of the Legislature of this Province that may be passed respecting the same: *Provided always*, that it shall not be lawful for His Majesty, His Heirs or Successors, at any time after the expiration of the said fifty years, to assume the possession and property of the said Harbour, wharves, wet dock, dry dock, or railway, with their appurtenances as aforesaid, unless it shall appear from the accounts of the said Company, to be for that intent laid before the Legislature, that the Stockholders of the said Company have received every year, upon an average, the sum of twelve pounds ten shillings for every hundred pounds they shall be possessed of in the said concern.

Tolls there-
after to be
paid to the
Receiver
General.

How to be
accounted
for.

XX. *And be it further enacted by the authority aforesaid*, That from and after the period when the possession of the right, interest and property, in and to the said Harbour, wharves, wet dock and dry dock, or railway, shall have been assumed by His Majesty, His Heirs and Successors, as hereinbefore authorized, all tolls and profits arising therefrom shall be paid into the hands of His Majesty's Receiver General, to and for the public uses of this Province, at the disposition of the Legislature thereof; and shall be accounted for to His Majesty, His Heirs and Successors, through the Lords Commissioners of His Majesty's treasury, in such manner and form as His Majesty, His Heirs and Successors, shall be graciously pleased to direct: *Provided always*, that the said Harbour, wharves, wet dock, dry dock or railway, shall be commenced within one year, and completed within five years after the passing of this Act, otherwise this Act and every matter and thing herein contained, shall cease and be utterly null and void.

XXI. And be it further enacted by the authority aforesaid, That all ships, vessels, rafts or other craft, owned by, belonging to, or in the use and occupation of the Parent or Provincial Government, shall from time to time have free access and privilege of occupancy, and sheltering under and using the privileges, safeties and advantages, of the said Harbour and wharves, wet dock, dry dock or railway, without being subject to any charge for toll or dues whatsoever.

All Govern-
ment vessels
may use the
Harbour toll
free.

14TH & 15TH VICTORIA, CAP. 153.

AN ACT

To amend the Act of Incorporation of the Niagara Harbour and Dock Company.

[PASSED 30th August, 1851.]

Preamble.

1 WILL. 4, c. 13.

The Com-
pany and
Clarke Gam-
ble, as Trus-
tee, empow-
ered to sell
and convey
certain prop-
erty.

WHEREAS "The Niagara Harbour and Dock Company," and Clarke Gamble, Esquire, to whom the said Company have conveyed the premises vested in them by the Act of the Legislature of Upper Canada, passed in the first year of the Reign of His late Majesty King William the Fourth, intituled, *An Act to incorporate the Niagara Harbour and Dock Company*, in trust for certain purposes, have severally by petition prayed to be enabled to sell and dispose of the same; Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the President and Directors of the said Company and Clarke Gamble, his heirs or assigns, shall be, and are hereby authorized and empowered by joint Deed to grant, bargain, sell and transfer to any person or persons, or body politic or corporate whatsoever, all the estate, right and title of the said Company and of Clarke Gamble, his heirs or assigns, or of either of them, of, in and to all and singular the tracts of land and premises now held or occupied by, or in any manner vested in or belonging to the said Company, or the said Clarke Gamble, in trust as aforesaid, in the Town of Niagara and the County of Welland, and particularly the premises mentioned in the seventh section of the Act first above cited, and

that the purchaser of the said premises, or any part thereof, shall not be bound to see to the performance of the said trusts.

II. And for the removing of certain doubts that have arisen as to the powers of the said Company to construct and build Vessels, Steam Engines and Machinery, Be it declared and enacted, That the said Company have had, and shall have, full power and authority to build, construct, possess, use, repair and refit all and all manner of Vessels, Steamboats, Shipping, Boats, Steam Engines and other Machinery of every kind, and to sell or otherwise dispose of the same as to the said Company shall seem expedient.

Doubts under the said Act removed.

AN ACT

To remove certain doubts existing as to the true meaning and effect of the sixth Section of the Act passed during the present Session, intituled, An Act to amend the Act passed in the Session held in the fourteenth and fifteenth years of Her Majesty's Reign, intituled, 'An Act to amend the Act of Incorporation of the Niagara Harbour and Dock Company.'

[PASSED 23rd May, 1853.]

Preamble.

16 Vic.'c. 70.

Creditors of
Company
not to have
any claim
upon property
sold under
the said
Act.

WHEREAS doubts have arisen as to the true meaning and effect of the sixth Section of the Act passed in the sixteenth year of Her Majesty's Reign, and intituled, *An Act to amend the Act passed in the Session held in the fourteenth and fifteenth years of Her Majesty's Reign, intituled, 'An Act to amend the Act of Incorporation of the Niagara Harbour and Dock Company,'* and it is desirable to remove the same: Be it therefore declared and enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada,* and it is hereby declared and enacted by the authority of the same, That no Creditor of the Niagara Harbour and Dock Company shall, as such Creditor or by reason of any right as such, have or maintain any claim or recourse against any of the property in the said Act referred to, which has been or may be sold under the authority of the said Act, from or after the time of such sale, or against any purchaser thereof; and that nothing in the said Act or in the said sixth Section was intended or shall be construed to give to any such Creditor any such claim or recourse.

AN ACT

To authorize the construction of a Railway from Galt to Guelph.

[PASSED 10th Nov., 1852.]

WHEREAS it is highly desirable that a Railway should be made from the Terminus of the Great Western Railroad, at the Town of Galt, to the Town of Guelph, and the persons hereinafter mentioned have petitioned to be incorporated for that purpose : Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That Isaac Buchanan, Wm. P. McLaren, H. McKinstry, Richard Juson, Edward Ritchie, Alexander Campbell, Wm. L. Diston, John Young, Geo. S. Tiffany, John Fisher, Hector Munro, Andrew Stuart, all of the City of Hamilton, Esquires, Doctor James Hamilton, of West Flamboro', John G. Grange, Absalom Shade, Andrew Elliott and William Dixon, all of the Town of Galt, Esquires, Jacob Hespeler, of the Village of Preston, Esquire, and together with such other persons as shall under the provisions of this Act become subscribers to or proprietors of any share or shares in the Railway, hereby authorized to be made, and their several and respective heirs, executors, administrators, curators or assigns, being proprietors of any share or shares in the said Railway, shall be, and are hereby united into a Company for constructing, maintaining and working the said Railway, according to the Rules, Orders and Directions of this Act, and shall for that purpose be one body corporate and politic by the name and style of *The Galt and Guelph Railway Company* ; and the said Company shall be, and are

Preamble

Certain persons incorporated.

Corporate
name and
powers.

hereby authorized and empowered from and after the passing of this Act, by themselves, their deputies, agents, officers, workmen and servants, to make and complete a Railway to be called *The Galt and Guelph Railway*, from the Terminus of the Galt Branch of the Great Western Railroad in the Town of Galt, to the Town of Guelph, upon such line as may be found most advantageous for the purpose, the said line being first approved by the Governor in Council.

Guage.

II. And be it enacted, That the Guage of the said Railway shall be five feet six inches.

Stock to be
raised.

III. And be it enacted, That it shall be lawful for the said Company to raise and contribute among themselves, in such proportions as to them shall seem meet and convenient, a competent sum of money for making and completing the said Railway, and all such other works, matters and conveniences as may be found necessary for making, effecting, preserving, improving, completing, maintaining and using the said Railway and other works; Provided always, that the parties hereinbefore named, or a majority of them, shall cause books of subscription to be opened in the City of Hamilton, and Towns of Galt and Guelph and elsewhere, as they may from time to time appoint, until the first meeting of Shareholders hereinafter provided for, for receiving the signatures of persons willing to become subscribers to the said undertaking, and for this purpose they shall give public notice in the *Canada Gazette*, and such other newspapers as they or a majority of them may think proper, of the time and place at which such books will be opened and ready for receiving signatures as aforesaid, and of the persons by them authorized to receive such subscriptions; and every person who shall write his or her signature in such book as a subscriber to the said undertaking, shall thereby become a member of the said Company, and shall have the same rights and privileges as such, as are hereby conferred on the several persons who are herein mentioned by name as Members of the said Company.

Books of sub-
scription to
be opened.

Notice.

Amount of
Stock.

IV. And be it enacted, That the sum so to be raised or subscribed shall constitute the Capital Stock of the said Company, and shall not exceed in the whole the sum of one hundred and forty thousand pounds currency; and the money so to be raised and subscribed is hereby directed and appointed to be laid out and applied in the first place, for paying and discharging all fees and disbursements for obtaining and passing this Act, and for making the plans, surveys and esti-

To what pur-
poses to be
applied.

mates incident thereto, and all the rest, residue and remainder of such money, for and towards making, completing and maintaining the said Railway and other the purposes of this Act, and to no other use, intent and purpose whatever.

V. And be it enacted, That the said Capital Stock of the said Company shall be divided into shares of twenty-five pounds currency, each, and each holder of or subscriber for any share or shares shall have a part of the profits of the said undertaking proportionate to the number of shares he shall hold or have subscribed for, and shall pay a part of the expenses incurred in carrying this Act into effect, proportionate to the number of shares he shall hold or have subscribed for.

Amount of
each share.

VI. And be it enacted, That the first general meeting of the subscribers to the said undertaking shall be held at the City of Hamilton, whenever one hundred shares in the Capital Stock of the said Company shall have been *bona fide* subscribed for, and at such meeting nine persons, being each a subscriber for at least twenty shares, shall be chosen Directors of the said Company, to hold their office until the first annual meeting of the Shareholders; and due notice shall be given of the time and place of such first meeting by the persons hereinbefore appointed, in the manner provided for with regard to the notice to be given by them touching the books of subscription.

First general
meeting.

Notice.

VII. And be it enacted, That the annual meetings of the Shareholders of the Company shall be held at the place and on the day in each year to be fixed by the By-laws of the Company, by which also the mode of calling Special Meetings of the Shareholders shall be fixed, and all other matters and things relative to the manner of conducting and managing the business and affairs of the said Company, for which no special provision is made by this Act, but no such By-law shall be inconsistent with the provisions of this Act, or with those of the Acts relative to the Great Western Railroad Company, which are hereinafter extended to the Company hereby incorporated, or with the laws of this Province.

Annual
meetings.

Special
meetings.

And other
matters to
be provided
for by By-
laws.

VIII. And be it enacted, That all the provisions of the Act of the Parliament of Upper Canada, passed in the fourth year of the Reign of His late Majesty King William the Fourth, and intituled, *An Act to incorporate the London and Gore Railroad Company*, and of the Acts of the Parliament of this Province, reviving, extending or amending the same,

Certain provisions of
the Acts relating to the
Great Western Railroad
Company incorporated
with this Act

or relating to the Company thereby incorporated, and now called the Great Western Railroad Company, which shall be in force at the time of the passing of this Act, and shall not be inconsistent with this Act, or provide for matters provided for by this Act, shall be and are hereby incorporated with this Act, and shall extend and apply to the Company hereby constituted and the Railway which they are empowered to make, as fully and effectually as if the said provisions were herein repeated and re-enacted with respect to the said Company and to the said Railway.

Company
may borrow
money.

IX. And be it enacted, That the said Company shall have power to borrow money to an amount not exceeding in the whole the sum of fifty thousand pounds, but, except only as regards the amount to be borrowed, the provisions of Acts above referred to as to loans raised by the Great Western Railroad Company, shall apply to those raised by the Company hereby incorporated.

Public Act.

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

16TH VICTORIÆ, CAP. 101.

AN ACT

To incorporate the London and Port Sarnia Railway Company.

[PASSED 22nd April, 1853.]

WHEREAS it is highly desirable that a Railway should be made from Port Sarnia to intersect the Great Western Railroad at or near the Town of London, and the persons hereinafter mentioned have petitioned to be incorporated for that purpose: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That Robert William Harris, of the City of Liverpool, Merchant, John Masterman the younger, of the City of London, Banker, Samuel Laing, of the City of London, Member of the House of Commons, Peter Buchanan, of the City of Glasgow, Merchant, W. M. McLaren, of the City of Hamilton, Merchant, Isaac Buchanan, of the same place, Merchant, Richard Juson, of the same place, Merchant, John Young, of the same place, Merchant, George S. Tiffany, of the same place, Barrister, Henry McKinstry, of the same place, Banker, Edmund Ritchie, of the same place, Esquire, Joseph Curran Morrison, of the City of Toronto, Esquire, James Hamilton, of West Flamborough, Esquire, Andrew Stewart, of the City of Hamilton, Esquire, Hector Munro, of the City of Hamilton, Esquire, John Brown, of the City of Hamilton, Esquire, Walter H. Dickson, of the Town of Niagara, Esquire, and Sir Allan Napier MacNab, of Dundurn, Barrister, together with such other person or persons as shall, under the provisions of this Act, become subscribers to or proprietors of any

Preamble.

Certain persons incorporated.

Corporate name.	share or shares in the Railway hereby authorized to be made, and their several and respective heirs, executors, administrators, curators or assigns, being proprietors of any share or shares in the said Railway, shall be and are hereby united into a Company for constructing, maintaining and working the said Railway, according to the rules, orders and directions of this Act, and shall for that purpose be one body corporate and politic, by the name and style of "The London and Port Sarnia Railway Company;" and the said Company shall be, and are hereby authorized and empowered from and after the passing of this Act, by themselves, their deputies, agents, officers, workmen, and servants, to make and complete a Railway to be called "The London and Port Sarnia Railway," from the foot of Lake Huron at or near Port Sarnia, to intersect the Great Western Railroad at or near the Town of London, at such point as shall be found most convenient and advantageous for the intersection thereof, the said line being first approved by the Governor in Council.
Line of Railway.	
Gauge.	II. And be it enacted, That the Gauge of the said Railway shall be five feet six inches.
Power to raise the requisite funds.	III. And be it enacted, That it shall be lawful for the said Company to raise and contribute among themselves, in such proportions as to them shall seem meet and convenient, a competent sum of money for making and completing the said Railway, and all such other works, matters and conveniences as may be found necessary for making, effecting, preserving, improving, completing, maintaining and using the said Railway and other works; Provided always, that the parties hereinbefore named, or a majority of them, shall cause books of subscription to be opened in the City of Hamilton, and Town of London, and Village of Port Sarnia, and elsewhere as they may from time to time appoint, until the first meeting of Shareholders hereinafter provided for, for receiving the signatures of persons willing to become subscribers to the said undertaking, and for this purpose they shall give public notice in such newspapers as they or a majority of them think proper, of the time and place at which such books will be opened and ready for receiving signatures as aforesaid, and of the persons by them authorized to receive subscriptions; and every person who shall write his or her signature in such book as a subscriber to the said undertaking, shall thereby become a member of the said Company and shall have the same rights and privileges as such, as are hereby conferred on the several persons who are herein mentioned
Provide: Books of subscription to be opened.	
Notice.	
Effect of subscription.	

by name as members of the said Company. Provided **Provide.**
 always, that the said parties or the majority of them, may
 reserve one-half of the whole capital Stock of the said
 Company for subscription in Great Britain, if they deem it
 expedient.

IV. And be it enacted, That the sum to be raised or sub- **Capital**
 scribed shall constitute the Capital Stock of the said Company, **£500,000.**
 and shall not exceed in the whole the sum of Five Hundred
 Thousand Pounds; and the money to be raised and subscribed
 is hereby directed and authorised to be laid out and applied, **To what pur-**
 in the first place for paying and discharging all fees and **poses to be**
 disbursements for obtaining and passing this Act, and for **applied.**
 making the plans, surveys and estimates incident thereto, and
 all the rest, residue and remainder of such money, for and
 towards making, completing and maintaining the said Railway
 and other the purposes of this Act, and to no other use, intent
 or purpose whatever.

V. And be it enacted, That the said Capital Stock of the **Shares to be**
 said Company shall be divided into shares of Twenty-five **£25 each, &c.**
 Pounds currency each, and each holder of or subscriber for
 any share or shares shall have a part of all the profits of
 the said undertaking, proportionate to the number of shares
 he shall hold or have subscribed for, and shall pay a part of
 the expenses incurred in carrying this Act into effect, propor-
 tionate to the number of shares he shall hold or have sub-
 scribed for.

VI. And be it enacted, That the first general meeting of the **First Gener'l**
 subscribers to this undertaking shall be held at the City of **Meeting and**
 Hamilton whenever five thousand shares in the Capital Stock **election of**
 of the said Company shall have been *bona fide* subscribed for, **Directors.**
 and five per centum paid thereon as hereinafter provided, and
 at such meeting nine persons, being each a subscriber for at
 least forty shares, who shall have paid five per centum thereon,
 shall be chosen Directors of the said Company, to hold their
 office until the first annual meeting of the shareholders; and
 due notice shall be given of the time and place of such first **Notice.**
 meeting, by the persons hereinbefore appointed, in the manner
 provided for with regard to the notice to be given by them
 touching the books of subscription.

VII. And be it enacted, That the annual meetings of the **Annual Gen-
 eral Meet-
 ings.**
 Shareholders of the Company shall be held at the place and on
 the day in each year to be fixed by the By-laws of the said
 Company, by which also the mode of calling special meetings **Special**
 of the Shareholders shall be fixed, and all other matters and **Meetings.**



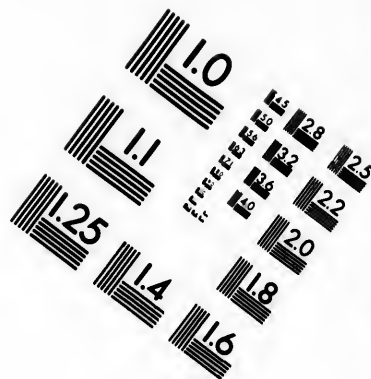
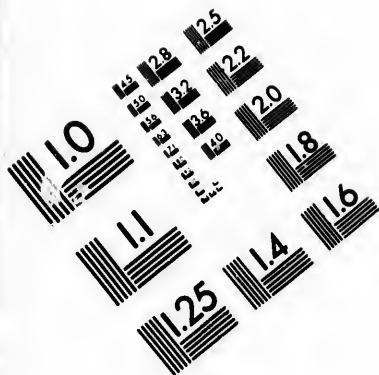
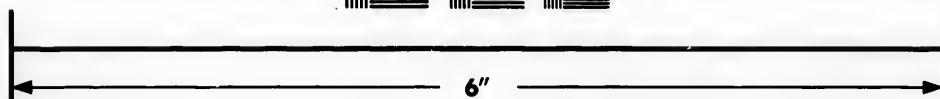
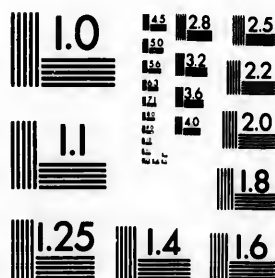


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things relative to the manner of conducting and managing the business and affairs of the said Company, for which no special provision is made by this Act; but no such By-law shall be inconsistent with the provisions of this Act, or with those of the Acts relative to the Great Western Railroad Company which are hereinafter extended to the Company hereby incorporated, or with the laws of this Province.

Provisions,
Act U. C. 4
W. 4, c. 20,
and Acts
amending it,
to apply to
the Company
constituted
by this Act.

VIII. And be it enacted, That all the provisions of the Act of the Parliament of Upper Canada, passed in the fourth year of the Reign of His late Majesty King William the Fourth, and intituled, *An Act to incorporate the London and Gore Railroad Company*, and the Acts of the Parliament of this Province, reviving, extending or amending the same, or relating to the Company thereby incorporated and now called "The Great Western Railroad Company," which shall be in force at the time of the passing of this Act, and shall not be inconsistent with this Act, or provide for matters provided for by this Act, shall be and are hereby incorporated with this Act, and shall extend and apply to the Company hereby constituted, and the Railway which they are empowered to make, as fully and effectually as if the said provisions were herein repeated and re-enacted with respect to the said Company and to the said Railway; and all the provisions of the said Acts which are so incorporated with this Act, shall be intended and included by the expression "this Act" whenever it is used herein.

Company
may borrow
money, &c.
to a certain
amount.

IX. And be it enacted, That the said Company shall have the power and authority to borrow money, from time to time, for making, completing, maintaining and working the said Railway as they may think advisable, and to pledge the lands, tolls, revenues and other property of the Company for the due payment thereof.

Power to
tender com-
pensation
and then en-
ter on the
land re-
quired.

X. And be it enacted, That for and notwithstanding any Acts of Parliament of this Province, or of the late Province of Upper Canada, incorporating the Great Western Railroad Company, or amending the same, and hereinbefore mentioned and referred to, in case any dispute or disagreement shall arise between the said Company and the owner or occupier of any lands or grounds, or privileges appertaining thereto, which may be required or shall be taken for the uses or conveniences of the said Railway, as to the value of the land or ground so taken and privileges appertaining and damages done thereto, it shall and may be lawful, and the said Company are hereby empowered to tender to such owner or occu-

pier of such lands or grounds and privileges aforesaid, such sum or sums of money as compensation therefor, as the said Company may consider reasonable and just; and in case an arbitration or suit be had thereon by reason of such owner or occupier not accepting such sum or compensation so tendered, and no greater sum be awarded or allowed to such owner or occupier by the Arbitrators appointed to settle, or the Jury empanelled to try the same, than the amount of compensation so tendered, then the said owners or occupiers of such lands, grounds or privileges, shall pay and discharge all costs and charges attending such arbitration or suit, and if any greater sum be awarded or allowed by such Arbitrators or Jury, than the amount so tendered, then the Company shall pay all costs attending such arbitration or suit, and also such additional sum as may be so awarded or allowed by such Arbitrators or Jury for the land, or ground, damages, or privileges so taken by the said Company.

By which party the costs of any Arbitration shall be paid

XI. And be it enacted, That the said Company shall, as soon as may be after making such tender, (if the same be not accepted,) pay the amount or sum so tendered into the office of either of the Superior Courts of Common Law in Upper Canada, for the use of the owner or occupier of such land, or such party as may be entitled by law to receive the same, and immediately on such payment being made, on the sum so tendered deposited with the officer of such Court, it shall and may be lawful for the said Company, and they are hereby authorized and empowered, forthwith to take possession of the land or ground in question, and to hold the same for the uses for which they may require the same; and if any resistance or forcible opposition shall be made by any person to their so doing, it shall and may be lawful for the Judge of any County Court in Upper Canada, on proof to his satisfaction of such tender being made and compensation money deposited as aforesaid, and that immediate possession of the land is required by the said Company, to issue his Warrant to the Sheriff of the County or United Counties in which the land may lie, or to a Bailiff as he may deem most suitable, to put the said Company in possession and to put down such resistance or opposition.

If the sum tendered be not accepted the Company may pay it into Court.

Resistance to Company taking possession how put down.

XII. And be it enacted, That whenever any sum or sums of money shall be awarded or agreed to be paid by the said Company for any land taken by them which might be taken without the consent of the proprietor for the uses of their Railway, the sum so awarded or agreed upon shall be the

Price of land to stand instead of it to all intents.

Provide: If the Company fear incumbrances, they may pay the price into Court, and the Court shall distribute it among the claimants.

Costs. and Interest.

compensation to be paid by them for the said land, and shall stand in the stead of such land, and any claim to, or incumbrance upon the said land, or any portion thereof, shall as against the Company be converted into a claim to the compensation, or to a like proportion thereof, and they shall be responsible accordingly whenever they shall have paid such compensation, or any part thereof, to a party not entitled to receive the same, saving always their recourse against such party; Provided that if the Company shall have reason to fear any claims or incumbrances, or if any party to whom the compensation or annual rent or any part thereof shall be payable, shall refuse to execute the proper conveyance and warranty, or if the party entitled to claim the same cannot be found or be unknown to the Company, or if for any other reason the Company shall deem it advisable, it shall be lawful for them to pay such compensation into the office of either of the Superior Courts of Common Law for Upper Canada, with the interest thereon for six months, and to deliver to the Clerk of the Court an authentic copy of the conveyance, or of the award or agreement if there be no conveyance, and such award or agreement shall thereafter be deemed to be the title of the Company to the land therein mentioned; and a notice in such form and for such time as the said Court shall appoint, shall be inserted in some newspaper, (if there be any) published in the County in which the land is situate, which shall state that the title of the Company, that is the conveyance, agreement or award, is made under this Act, and shall call upon all persons entitled to the land, or any part thereof, or representing or being the husbands of any parties so entitled, to file their claims to the compensation, or any part thereof, and all such claims shall be received and adjudged upon by the Court, and the said proceedings shall for ever bar all claims to the lands, or any part thereof, including dower, as well as all mortgages or incumbrances upon the same; and the Court shall make such order for the distribution, payment or investment of the compensation and for the securing of the rights of all parties interested, as to right and justice, and according to the provisions of this Act and to law shall appertain; and the costs of the proceedings or any part thereof shall be paid by the Company or by any other party as the Court shall deem it equitable to order; and if such order of distribution as aforesaid be obtained in less than six months from the payment of the compensation into Court, the Court shall direct a proportionate part of the interest to

be returned to the Company; and if from any error, fault or neglect of the Company, it shall not be obtained until after the six months are expired, the Court shall order the Company to pay to the proper claimants the interest for such further period as may be right.

XIII. And be it enacted, That from and after the passing of this Act, if the Arbitrators who shall be named and appointed by the said Company hereby incorporated, and the owner or occupier of any land required and taken by the said Company for the uses and conveniences of their Railway, cannot agree at their first meeting upon a third or fifth Arbitrator as the case may require, to act with them in valuing the said land and the privileges and damages thereto, it shall be lawful for the Judge of the County Court for the County in which such land is situate, to name and appoint such third or fifth Arbitrator as the case may require, which Arbitrator so named by such Judge, shall have and possess all the same powers and authority as if he had been elected and chosen by the Arbitrators named by such Company and the owner or occupier of such land.

Judge of a County Court may name the third or fifth Arbitrator in cert'n cases.

XIV. And be it enacted, That the Directors of the Great Western Railroad Company shall have and are hereby invested with full power and authority, at any time hereafter with the consent of the Directors of the London and Port Sarnia Railway Company, or at any time after the completion of the said Railway with or without the consent of the said Directors of the London and Port Sarnia Railway Company, by a By-law or By-laws of the said Great Western Railroad Company to that effect, to incorporate the Capital Stock of the said London and Port Sarnia Railway Company with the Capital Stock of the said Great Western Railroad Company, on equal terms with the Capital Stock of the said Great Western Railroad Company, and from thenceforth the same shall be one and the same Stock, and the said London and Port Sarnia Railway shall become part and parcel of the Great Western Railroad as if originally constructed by the said Great Western Railroad Company, and subject to all the regulations of the said Company in the same manner as other portions of the Line of the said Great Western Railroad, and the Capital of the Great Western Railroad Company shall be increased accordingly, and from the date of such amalgamation of the said Capital Stock and Line of road of the said London and Port Sarnia Railway Company with those of the said Great Western Railroad Company, so

Provision for Union of the Company with Great Western Railway Company.

much of this Act as may be inconsistent with such amalgamation, shall cease and determine, but any provisions thereof not so inconsistent shall remain in force and shall apply to the Line of Railway hereby authorized, and to the Great Western Railroad Company, and the Directors, Officers and Agents thereof.

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

[illegible][illegible]

AN ACT

To incorporate the Hamilton and Port Dover Railway Company.

[ASSENTED TO 22nd April, 1853.]

WHEREAS the construction of a Railway connecting the waters of Burlington Bay, at the City of Hamilton, with the waters of Lake Erie, at or near to Port Dover, must conduce greatly to the welfare of the inhabitants residing on the line of such Railway and in the surrounding country; And whereas Robert William Harris, of the City of Liverpool, Merchant, John Masterman, the younger, of the City of London, Banker, Samuel Laing, of the City of London, Member of the House of Commons, Peter Buchanan, of the City of Glasgow, Merchant, Isaac Buchanan, of the City of Hamilton, Merchant, Edmund Ritchie, of the same place, Esquire, Andrew Stuart, of the the same place, Esquire, Hector Munro, of the same place, Esquire, W. P. McLaren, of the same place, Esquire, Sir Allan N. MacNab, of Dundurn, Barrister, James Ritchie, of Simcoe, Merchant, and William M. Willson, of the same place, Esquire, have prayed to be incorporated with the powers requisite for making and maintaining such Railway: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intitled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of the same*, and it is hereby enacted by the authority of the same, That the said Robert William Harris, John Masterman, Samuel Laing, Peter Buchanan, Isaac Buchanan, Edmund, Ritchie, Andrew Stuart, Hector Munro, W. P. McLaren, Sir Allan N. MacNab, James Ritchie, and William M. Willson, together with such person or persons, Corporations and Municipalities, as shall, under the provisions of this Act, become

Preamble.

Certain persons incorporated.

Shareholders in such Company as is hereinafter mentioned, shall be and are hereby ordained, constituted and declared to be a body corporate and politic, in fact, by and under the name and style of *The Hamilton and Port Dover Railway Company*.

Certain clauses of 14 & 15 V. c. 51 incorporated with this Act.

II. And be it enacted, That the several Clauses of "The Railway Clauses Consolidation Act," with respect to the first, 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, and shall be included by the expression, "this Act," whenever used herein.

Line of Railway described.

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 and finish a double or single iron Railway or Road at their own cost and charges, on and over any part of the Country lying between Port Dover and the City of Hamilton.

Form of deeds conveying lands to the 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 as far as the title to the said lands or the circumstances of the parties making such conveyances will 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, on the production thereof and proof of execution, without any memorial, and to minute every such entry on the 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.

Registration

Fee to Registrar.

Capital Stock; Shares.

V. And be it enacted, That the Capital Stock of the Company shall be Five Hundred Thousand Pounds currency, to be divided into twenty thousand shares of Twenty-Five 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

Application.

the passing of this Act, and for making the surveys, plans and estimates of the said Road and connected with the said Railway.

VI. And be it enacted, That within one month after this Act shall be passed, a General Meeting of the Shareholders shall be held at the City of Hamilton, for the purpose of putting this Act into effect, which meeting shall be called by any five of the persons named in this Act, ten days' public notice thereof being given by being published in the Newspapers of the said City of Hamilton, at which said General Meeting, the Shareholders present having paid five per cent., on their Stock subscribed, shall either in person or by proxy, choose nine Directors in the 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 first Annual General Meeting for the election of Directors, and until others are elected in their stead.

VII. And be it enacted, That on the second Monday in June in each year, at the City of Hamilton, at the Office of the Company, there shall be chosen by the Shareholders nine Directors in the manner hereinafter directed; and public notice of such Annual Election shall be published one month before the day of election in any two Newspapers published in the City of Hamilton, and also once fifteen days before the election in one newspaper in each Town upon the Line of the said Road; and all elections for Directors shall be by ballot, and the persons who shall have the greatest number of votes at any election shall be Directors; and if it shall happen that two or more shall have an equal number of votes, the Shareholders shall determine the election by another or other votes until a choice is made; and if a vacancy shall at any time happen among the Directors by death, resignation, or removal from the Province, such vacancy shall be filled for the remainder of the year by a majority of the Directors, and that the said nine Directors with the said ex-officio Directors shall form a Board of Directors.

VIII. And be it enacted, That the number of Directors which shall form a *quorum* for the transaction of business may be regulated by the By-laws of the Company, and until such By-laws shall be passed, a majority of the Directors shall form such *quorum*; Provided, that the Directors may employ one of their number as a paid Director.

First General Meeting.

Notice.

Election of Directors, and term of office.

Annual General Meeting.

Notice.

Elections to be by ballot.

Ties.

Vacancies how filled.

Board formed.

Quorum of Directors.

Paid Director.

Qualification
of Directors.

IX. And be it enacted, That the persons qualified to be elected Directors of the said Company, under this Act, shall be any Shareholder holding Stock to the amount of One Thousand Pounds, who shall have paid up all calls on such Stock.

Calls limited

X. And be it enacted, That no call of money from the Shareholders shall exceed ten per cent on their shares.

One vote al-
lowed for
each Share.

XI. And be it enacted, That each Shareholder in his own right shall be entitled to a number of votes equal to the number of Shares which he shall have in his name two weeks prior to the time of voting.

Company
may become
parties to
Bills of ex-
change and
Notes, and
how.

XII. And be it enacted, That the said Company shall have power to become parties to Promissory Notes and Bills of Exchange, for sums not less than Twenty-five pounds, and any such Promissory Note made or endorsed, and any such Bill of Exchange, drawn, accepted or endorsed by the President or Vice-President of the Company, and countersigned by the Secretary and Treasurer, and under the authority of a majority of a *quorum* of the Directors, shall be binding upon the Company, and every such Promissory Note or Bill of Exchange made, drawn, accepted or endorsed by the President or Vice-President of the said Company, and countersigned by the Secretary and Treasurer as such, either before or after the passing of this Act, shall be presumed to have been properly made, drawn, accepted or endorsed, as the case may be, for the Company, until the contrary be shewn; and in no case shall it be necessary to have the Seal of the Company affixed to any such Bill of Exchange or Promissory Note, nor shall the President, Vice-President, or the Secretary and Treasurer of the Company so making, drawing, accepting or endorsing any such Promissory Note or Bill of Exchange, be thereby subjected individually to any liability whatever; Provided always, that nothing in this Section shall be construed to authorize the said Company to issue any Note payable to bearer, or any Promissory Note intended to be circulated as money, or as the Notes of a Bank.

Previous.

Gauge.

XIII. And be it enacted, That the Gauge of the said Railway shall not be broader or narrower than five feet six inches.

Public Act.

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

SCHEDULE A.

Know all men by these presents, That I, _____ of
 (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 Hamilton and Port Dover Railway Company, the
 receipt whereof is hereby acknowledged, grant, bargain, sell,
 convey and confirm unto the said Hamilton and Port Dover
 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 Com-
 pany for the purpose of their Railway, to have and hold the
 said land and premises, together with the hereditaments and
 appurtenances thereto to the said Hamilton and Port Dover
 Railway Company, their successors and assigns for ever; if
 there be Dower to be released, add) "and I (name of wife)
 hereby release my Dower on the premises."

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

Signed, sealed and delivered

in presence of

A. B. [L. S.]

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

16TH VICTORIA, CAP. 45.

AN ACT

To authorize the Brantford and Buffalo Joint Stock Railroad Company to construct a Railway from Fort Erie to Goderich.

[PASSED 10th Nov., 1862.]

Preamble.

Recital.

13 Vic. c. 84.

13 & 14 Vic.
c. 73.

14 & 15 Vic.
c. 121.

WHEREAS certain persons having associated themselves together, for the purpose of constructing a Railroad from Fort Erie to intersect the Great Western Railroad at or near the Town of Brantford, and having complied with all the requirements of the Act passed in the twelfth year of Her Majesty's Reign, and intituled, *An Act to authorize the formation of Joint Stock Companies for the construction of Roads and other Works in Upper Canada*, did, under the provisions of the said Act as extended by the Act passed in the Session held in the thirteenth and fourteenth years of Her Majesty's Reign, and intituled, *An Act to amend and extend the provisions of an Act passed in the twelfth year of Her Majesty's Reign, intituled, 'An Act to authorize the formation of Joint Stock Companies for the construction of Roads and other Works in Upper Canada,'* become a body corporate by the name and style of *The Brantford and Buffalo Joint Stock Railroad Company*, and were by that name acknowledged by the Legislature in the Act passed in the Session held in the fourteenth and fifteenth years of Her Majesty's Reign, and intituled, *An Act to repeal so much of the Act thirteenth and fourteenth Victoria, chapter seventy-two, as relates to the construction of Railways*, and were therein expressly exempted from the effect thereof: And whereas the said Brantford and Buffalo Joint Stock Railroad Company have expended large sums of money on their Railway between Fort Erie and Brantford, so that the works on the said Railway are in a very advanced state; And whereas the said Company have, by their petition, represented that

being desirous of extending their said Railway from the Town of Brantford aforesaid through the Towns of Paris and Stratford to the Town of Goderich, in the County of Huron, and holding themselves to be thereunto empowered by the provisions of the Act passed in the Session last aforesaid, and intituled, *An Act to amend the Act intituled, 'An Act to authorize the formation of Joint Stock Companies for the construction of Roads and other Works in Upper Canada,'* they prepared to extend their said Railway accordingly, and opened books of subscription for raising the additional stock required for the purpose, and obtained subscribers for the same, and that among others the County Council of United Counties of Huron, Perth and Bruce, have resolved to empower the Warden thereof to subscribe for shares in the stock of the said Company to the amount of one hundred and twenty-five thousand pounds, and have adopted for publication, and have printed, published and passed, the requisite By-law; and that the said Company have caused surveys and plans to be made for the proposed extension; And whereas the said Company have further represented, that, although they believe their powers under the *its* aforesaid to be sufficient to enable them to effect such extension as aforesaid, yet that numerous advantages would accrue, as well to themselves as to the public, if the provisions of *The Railway Clauses Consolidation Act*, passed in the now last Session, were extended to them, and their rights and duties were regulated by its enactments; And whereas it is right and for the public good to grant the prayer of the said Company: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the incorporated Company hereinbefore mentioned, heretofore known by the name of *The Brantford and Buffalo Joint Stock Railroad Company*, shall, from and after the passing of this Act, be a body corporate, by the name or style of *The Buffalo, Brantford, and Goderich Railway Company*, and by that name the present members of the said Brantford and Buffalo Joint Stock Railroad Company, and all such

14 & 15 Vic.
c. 122.

Name of
Company
changed.

Company
empowered
to construct
a certain
Railway.

persons and parties as shall, under the provisions of this Act, become shareholders in the Railway hereby authorized to be made, their several and respective heirs, executors, administrators, successors, and assigns, shall be and remain an incorporated Company for constructing, maintaining and working, the Railway hereinafter mentioned, under the provisions of this Act; and the said Company shall be and are hereby authorized and empowered, by themselves, their deputies, agents, officers, workmen, and servants, to make and complete a Railway to be called *The Buffalo, Brantford, and Goderich Railway*, from the Niagara River at or near Fort Erie, in the Township of Bertie, in the County of Welland, to the Town of Brantford, in the County of Brant, and thence through Paris and Stratford to the waters of Lake Huron at the Town of Goderich, on Lake Huron, in the County of Huron.

Property
liabilities of
the Company
to continue
in them by
their real
name.

Change of
name not to
make that
Company a
new Corpo-
ration.

II. And be it enacted, That from and after the passing of this Act, all and singular the property of the said Brantford and Buffalo Joint Stock Railroad Company, whether the same be real or personal estate, or of what kind and nature soever, shall be and become the property of the Buffalo, Brantford, and Goderich Railway Company, and of their successors and assigns; and the Buffalo, Brantford, and Goderich Railway Company shall thenceforth be subject to be held responsible for all contracts, agreements, and obligations made and entered into by the said Brantford and Buffalo Joint Stock Railroad Company, or which shall or may thereafter be made or entered into by the President of the said Company under the authority of any By-laws or Resolutions of the said Company: Provided always, and be it declared and enacted, That neither the change made by this Act in the name of the said Company, nor any thing else herein contained, shall be construed to make the said Company a new Company or a new Corporation, so as to cause any action, suit or proceeding, to which the said Company may be a party, to abate or cease, but the same may, upon suggestion of the passing of this Act, be continued by or against the said Company, by the name hereby assigned to it; and every subscription to the stock of the said Company by its present name shall be to all intents and purposes as binding, valid and effectual, and shall vest in and impose upon the subscriber the same rights and liabilities as if made after the passing of this Act, and to the stock of the said Company by the name hereby assigned to it.

III. And be it enacted, That the By-laws, Rules and Regulations, of the said Company, made before the passing of this Act, shall remain in force, and shall apply to be the whole Railway hereby authorized to be constructed, in so far and in so far only as they may be consistent with the provisions of this Act, and until they shall be repealed, altered or amended, by others to be made under this Act; and the provisions of the Act herein first above mentioned, and of the Act amending the same, under which the said Company was originally constituted and has heretofore acted, shall, after the passing of this Act, cease to apply to the said Company, or to their Railway and works, except in so far as relates to rights acquired under the said Acts or either of them by the said Company or others, and except in so far as relates to any action, suit or proceeding, commenced by or against the said Company before the passing of this Act, which shall be continued, governed and completed, by and under the provisions of the Acts last referred to.

Present By-laws to remain in force until altered.

IV. And be it enacted, That the several clauses of *The Railway Clauses Consolidation Act*, passed during the now last Session of the Provincial Parliament, with respect to the first, second, third, and fourth clauses thereof, and also the several clauses of the said last mentioned Act, with respect to "Interpretation," "Powers," "Plans and Survey," "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, and shall accordingly apply to the said Company and the said Railway, except only in so far as it may be expressly otherwise provided by this Act, or as they may be inconsistent with the express enactments thereof; and the expression, "this Act," when used herein, shall be understood to include the Provisions of *The Railway Clauses Consolidation Act* which are incorporated with this Act as aforesaid.

Certain clauses of 14 & 15 Vic. c. 51, incorporated with this Act.

V. And be it enacted, That any shareholder in the said Company, whether a British subject or alien, or a resident in Canada or elsewhere, has and shall have equal right to hold

Actions may vote.

stock in the said Company, to vote on the same, and to be eligible to office in the said Company.

Increase of
capital au-
thorized.

VI. And be it enacted, That it shall and may be lawful for the said *Buffalo, Brantford, and Goderich Railway Company* to increase the Capital Stock of the said Company, by such sums as may be required to enable them to complete the said Railway from the Niagara River, at or near Fort Erie in the Township of Bertie, to the Town of Goderich aforesaid, via the Towns of Brantford, Paris and Stratford, aforesaid, and for the completion of the works necessary for the efficient working and maintaining of the said Railway; provided the whole Capital Stock of the said Company shall not at any time exceed the sum of one million pounds; and the said Capital Stock shall be divided into shares of five pounds each; and such increase of Capital Stock may be effected either by the admission of new subscribers or shareholders, or the additional sum may be raised by subscription among the present shareholders, or such increase may be effected in both the said ways.

Amount of
each share.

Proportion
of votes to
shares.

VII. And be it enacted, That any party or parties holding stock in the Company hereby incorporated to the amount of one hundred shares, or any amount less than one hundred shares, shall at the meeting of the shareholders have one vote for each share; and for any amount over one hundred shares, and not over six hundred shares, one vote to two shares; and for any amount over six hundred, and not over fifteen hundred shares, one vote to three shares; and for any amount exceeding fifteen hundred shares, one vote to four shares.

Present Di-
rectors to re-
main in Of-
fice until
next annual
meeting.

VIII. And be it enacted, That the present Directors of the said Company shall continue in office as such, until the second Monday in June, in the year one thousand eight hundred and fifty-three; and that on the said day, and on the second Monday in June, in each year thereafter, or on such other day as shall be appointed by any By-law, an annual general meeting of the said shareholders shall be held at the office 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 shall appear, to any ten or more of such shareholders holding together one thousand

shares at least, that a special general meeting of shareholders is necessary to be held, it shall be lawful for such ten or more of them to cause fifteen days' notice, at least, to be given thereof in three public newspapers as aforesaid, 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 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 specified only, and all such acts of the shareholders or the majority of them at such special meetings assembled, such majority not having either as principals or proxies less than one thousand shares, shall be valid as to all intents and purposes as if the same were done at annual meetings; and after the said second Monday in June, one thousand eight hundred and fifty-three, the number of Directors of the said Company shall always be nine, and they shall hold their office from the time of their election until the next annual meeting, or until others shall be elected in their stead, but any Directors may be re-elected; and at any meeting of the said Directors, five Directors shall be a quorum, and shall be competent to use and exercise all and any of the powers hereby vested in the said Directors: Provided, that no person shall hereafter be elected a Director who shall not hold at least ten shares in the stock of the Company.

Special general meeting.

Number of Directors.

Quorum.

Proviso.

IX. And be it enacted, That the Gauge of the said Railway shall be five feet six inches, and neither more nor less.

Gauge.

X. And be it enacted, That for and notwithstanding any thing in any Act or law to the contrary, it shall be lawful for the said Company hereby incorporated to hold to them and to their successors and assigns, as lessees of the Crown, the Ferry at Fort Erie Rapids, subject to the conditions and restrictions and according to the terms mentioned and contained in the lease thereof to the said Brantford and Buffalo Joint Stock Railroad Company, and to possess, exercise and enjoy, all the powers, rights and privileges, which appertain thereto, and from time to time to obtain a renewal thereof, and also from time to time to construct, purchase, own and maintain, one or more Ferry Boats for the purpose of transporting goods and passengers to and from the United States, according to the terms of the lease aforesaid, and to sub-

Company may hold stock in other Companies of cert'in kinds.

scribe, purchase and hold, shares in the stock of any Railroad from Black Rock to the City of Buffalo.

Other Companies may hold Stock in this Company.

XI. And be it enacted, That for and notwithstanding any Act or law to the contrary thereof, the provisions of By-law number five of the County Council of the United Counties of Huron, Perth and Bruce, intituled, *A By-law to authorize the Warden of the United Counties of Huron, Perth and Bruce, to issue Debentures in payment of twenty-five thousand shares of the increased Capital Stock of the Brantford and Buffalo Joint Stock Railroad Company*, and also of any By-law or By-laws of any other Municipal Corporation in Upper Canada already passed, or which may have been adopted for publication, and are now in progress of being passed for the purpose of authorizing the Mayor, Warden or Reeve, of such Municipality to acquire stock in the said Brantford and Buffalo Joint Stock Railroad Company, shall extend and apply to the Buffalo, Brantford and Goderich Railway Company; and the Mayor, Warden, or Reeve, of such Municipality respectively is hereby authorized and empowered to subscribe for stock in and to issue Debentures to the said last-mentioned Company, in the same manner, and with the like force and effect as now is or shall as aforesaid be authorized and provided for by any By-law already passed or to be passed in relation to the said Brantford and Buffalo Joint Stock Railroad Company.

City of Buffalo may appoint Directors.

XII. And whereas the City of Buffalo, in the State of New York, one of the United States of America, is, by virtue of an Act of the Legislature of the said State, empowered to acquire and hold, and the said City does now hold, seven thousand five hundred shares in the Capital Stock of the said Brantford and Buffalo Joint Stock Railroad Company; and whereas provision is made in the said Act for the nomination by the Common Council of said City of one Director of the said Company for every three thousand seven hundred and fifty shares held therein by the said City; and whereas it is expedient to empower the said Common Council to appoint one or more Directors of the said Company accordingly: Be it therefore enacted and declared, That it shall be lawful for the Common Council of the said City of Buffalo, at any time within one month next proceeding the annual election of Directors of the Buffalo, Brantford and Goderich Railway, to nominate and appoint one or more

persons to be a Director or Directors of the said last mentioned Company, in the proportion of one Director for every three thousand seven hundred and fifty shares of the Capital Stock of the said Company, which shall, at the time of such nomination and election, be held and owned by the said City; and every such person so nominated and appointed, shall, without other qualification, on the day of such election, and thenceforth until the then next ensuing election of Directors, be and become a Director of the said Company: Provided always, that the said Common Council shall not be allowed to vote by virtue of their shares so to be held by them as aforesaid, for the election of any Director or Directors at any meeting of the said Company for that purpose assembled.

Proviso.

XIII. And whereas the said Brantford and Buffalo Joint Stock Railroad Company have executed under their Corporate Seal, Bonds to the amount of one hundred and twenty-five thousand pounds sterling, in sums of two hundred pounds sterling, each payable at the counting house of Messrs. Baring, Brothers and Company, London, England, on the first day of August, one thousand eight hundred and seventy-two, with interest at six per cent. per annum, payable semi-annually to Arunah Huntington, or the holder thereof, which Bonds are secured by a mortgage deed bearing date the twenty-fifth day of August, one thousand eight hundred and fifty-two, executed under the Corporate Seal of the said last mentioned Company, to certain Trustees therein named whereby the lands, railways, rails, fences, warehouses, buildings, fixtures and appurtenances to the said Company belonging, together with the tolls, income and profits to be derived from the same, are mortgaged and pledged in trust as a security for the payment of the said sum of one hundred and twenty-five thousand pounds, with the interest to accrue thereon, according to the tenor and effect of the said mortgage deed; and whereas it is expedient to ratify, confirm, and make valid the said Bonds and mortgage deed, and to provide that the same shall be chargeable and obligatory upon the Company hereby incorporated: Be it therefore enacted and declared, That from and after the passing of this Act, the said several Bonds of the Brantford and Buffalo Joint Stock Railroad Company, so as aforesaid executed, to the amount of one hundred and twenty-five thousand pounds, shall be and become obligatory and of force according to

Ratification
of Mortgage
Deed of Au-
gust, 1852.

Bonds, &c.,
assignable
by delivery

notwithstanding
any rule or
law to the
contrary

Conveyance
to Company
—form.

Extension to
Goderich
within three
years.

Public Act.

the purport, conditions and tenor thereof, upon the Buffalo, Brantford and Goderich Railway Company, in the same manner and with the same force and effect as if the said Bonds had been originally made and executed by and in the name of the said last mentioned Company, and that the said mortgage deed for securing the payment of the said Bonds is and shall continue to be and subsist as good, valid and obligatory upon the Buffalo, Brantford and Goderich Railway Company, according to the purport and terms thereof, in respect of all and singular the property, privileges and effects therein mentioned, and the covenants, agreements and provisos contained therein: And the said Bonds and the Interest Warrants annexed thereto, together with all Bonds and Interest Warrants which shall at any time hereafter be issued by the said Buffalo, Brantford and Goderich Railway Company, payable to bearer, under the provisions of the Railway Clauses Consolidation Act, 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.

XIV. And be it enacted, That all deeds and conveyances for lands to be conveyed to the said Company for the purposes of this Act, shall and may, as far as the title to the said lands or the circumstances of the party making such conveyances will admit, be made in the form given in the Schedule of this Act, marked A.

XV. And be it enacted, That unless the said Company shall within one year from the passing of this Act, commence the construction of that portion of the said Railway extending from Stratford to the Town of Goderich, and finish the same in three years from the fifteenth day of May next, the authority of the said Company to commence and construct such portion of the said Railway from Stratford to Goderich, and all the rights hereby conferred upon the said Company, so far as relates to such portion of the said Railway, shall wholly cease and determine.

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

Enacted at the City of Toronto, this 1st day of May, 1871.

SCHEDULE A.

FORM OF CONVEYANCE.

Know all Men by these presents, that I, A. B., of
 (here, name the wife if any) do hereby in consideration of
 (here the sum) paid to me by The Buffalo, Brantford
 and Goderich Railway Company, the receipt whereof is
 hereby acknowledged, grant, bargain, sell, convey and con-
 firm unto the said The Buffalo, Brantford and Goderich
 Railway Company, their Successors and Assigns for ever,
 all that certain tract or parcel of land situate (here describe
 the land) the same having been selected and laid out by the
 said Company for the purposes of their Road. To have
 and to hold the said land and premises together with the
 hereditaments thereto, to the said The Buffalo, Brantford and
 Goderich Railway Company, their Successors and Assigns
 for ever, (here, dower if any.)

Witness my Hand and Seal, this day of One
 thousand eight hundred and

L. S.

Signed, Sealed and delivered
 in presence of

AN ACT

To amend the Act incorporating the Toronto and Guelph Railway Company.

[PASSED 10th November, 1852.]

Preamble.

14 & 15 V., c.
148.

WHEREAS since the passing of an Act in the Session held in the fourteenth year of Her Majesty's Reign, intituled, *An Act to Incorporate The Toronto and Guelph Railway Company*, the Mayor, Aldermen and Commonalty of the City of Toronto, have, in pursuance of the provisions of the Railway Clauses Consolidation Act, subscribed for Stock in the said *Toronto and Guelph Railway Company*; And whereas the Municipal Corporations of the Town and Township of Guelph, and of the Township of Chinguacousy, have in like manner respectively subscribed for Stock in the said Company, and the calls hitherto made by the said Company in respect of the shares subscribed for by the said Municipal Corporations have been paid in Debentures of the said Corporations respectively; And whereas shares exceeding the sum of one hundred and fifty thousand pounds, as prescribed by the seventh Clause of the Act to incorporate the said Railway, have been taken and ten pounds per cent. thereon hath been paid in; And whereas by the third Clause of the said Act incorporating the said *Toronto and Guelph Railway Company*, the Capital Stock of the said Company is expressed to be limited to the sum of two hundred and fifty thousand pounds of Provincial currency, and doubts have been raised whether the said Clause does not limit the powers contained in the said Railway Clauses Consolidation Act, for increasing the capital of the said Company; And whereas the said sum of two hundred and fifty thousand pounds has been found to be insufficient for the proper and efficient construction of the Railway by the said Act authorized to be constructed, and it is desired to increase the same to the sum of three hundred and twenty-five thousand pounds, like currency, with such powers to increase the same as are contained in the said Railway Clauses Consolidation Act;

And whereas the said *Toronto and Guelph Railway Company*, have executed under their corporate seal, bonds to the amount of two hundred and seventy-five thousand pounds sterling money of Great Britain, payable to bearer, which bonds are secured by a Mortgage Deed bearing date the thirtieth day of June, one thousand eight hundred and fifty-two, executed under the corporate seal of the said Company, whereby the said intended Railway and all the works of the said Company, together with all stations, buildings, carriages, engines and other property attached or to be attached to or belonging to the said Railway, and all the Revenues and Tolls to be derived from the said works, are mortgaged and pledged to the Canada Company, in trust as a security for the payment of the said entire sum of two hundred and seventy-five thousand pounds sterling, on the first day of July, one thousand eight hundred and seventy-three, and for the payment of the half-yearly interest thereon at the rate of six pounds per centum per annum in the meantime; and whereby the Municipal debentures which have already been and which hereafter shall be issued for the Stock already subscribed, and which hereafter shall be subscribed by Municipal Corporations of the Province of Canada, under the provisions of the Railway Clauses Consolidation Act are, also mortgaged and pledged to the said Canada Company, in trust as a collateral security for the due payment of the principal and interest on the said bonds; And whereas doubts have arisen whether the said third Clause of the said Act incorporating the said *Toronto and Guelph Railway Company* does not limit and restrict the powers contained in the Railway Clauses Consolidation Act, of borrowing money, and other doubts have arisen as to the validity, negotiability and security of the said bonds and the validity of the said mortgage; And whereas it is expedient to remove such doubts; and to affirm the validity, negotiability and security of the said bonds of the said Company so as aforesaid executed to the amount of two hundred and seventy-five thousand pounds sterling, money of Great Britain, and of any further bonds which may be executed by the said Railway Company, to an aggregate amount (with the said sum of two hundred and seventy-five thousand pounds) not exceeding the amount of capital for the time being, authorized to be raised by the said Company, and the validity of the said mortgage and of any mortgage or mortgages to be hereafter executed as a security for any moneys to be borrowed by the said Company, within

the limit of their prescribed capital for the time being; And whereas the said *Toronto and Guelph Railway Company*, have by their petition prayed that the said Act incorporating the said *Toronto and Guelph Railway Company* may be amended: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the Capital Stock of the said Company shall be, and is hereby declared to be the sum of three hundred and twenty-five thousand pounds, Provincial currency, divided into sixty-five thousand shares, of five pounds each, and that the said Capital Stock may, if necessary, from time to time be increased in the manner provided for by the Railway Clauses Consolidation Act.

Amount of capital stock of the Company: into what shares divided.

Certain bonds mentioned in the preamble declared valid.

II. And be it enacted and declared, That the said bonds of the said *Toronto and Guelph Railway Company* so as aforesaid executed to the said amount of two hundred and seventy-five thousand pounds sterling money of Great Britain, and the said mortgage for securing the same are, and shall continue to be, and subsist as good and valid and obligatory upon the said *Toronto and Guelph Railway Company* according to the tenor and purport thereof, respectively, and that all bonds, debentures or other securities of the said Railway Company, may be made payable to bearer, and that the said bonds which have been so executed, as aforesaid, and all future bonds, debentures and other securities of the said Railway Company, and all dividends or interest warrants thereon, respectively, which shall purport to be payable 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.

Bondholders &c., to have no preference one over the other.

III. And be it enacted and declared, That the respective *bona fide* Bondholders and Mortgagees of the said Railway Company, as well under any bonds, debentures, mortgages or other special securities to be hereafter lawfully executed by the said Railway Company with the limit of their Capital for the time being prescribed, as under the said bonds already

executed, shall be entitled one with another to their respective proportions of the Tolls and other property of the said Railway Company, according to the respective sums in such securities mentioned, and to be repaid the principal and interest moneys thereby secured, without any preference one above another by reason of priority of the date of any such security, or of the resolution by which the same was authorized or otherwise howsoever; provided that this enactment shall not operate either to accelerate or to delay the right of the holder of any such security to demand and enforce payment of the principal moneys thereby secured, on the day or respective days therein mentioned for payment thereof.

Except as to
time of pay-
ment.

IV. And be it enacted and declared, That if any interest or principal due on any such security as aforesaid, be not paid by the said Railway Company on the day, and at the place appointed for payment thereof, and if the Canada Company shall neglect for sixty days after notice in writing by the holder of any such security, to enter into possession of the said Railway, or appoint a Receiver of the Rates and Tolls and other profits of the said Railway and works, under and by virtue of the aforesaid mortgage, then in such case the holder of such security (without prejudice to his right to sue for the interest or principal so in arrear, in any of the Superior Courts of Law or Equity) may if his debt amount to the sum of five thousand pounds alone, or if his debt do not amount to the sum of five thousand pounds, may in conjunction with other creditors of the said Railway Company holding any such securities as aforesaid, whose debts on such securities being so in arrear after such demand as aforesaid, shall, together with his amount to the sum of five thousand pounds, require the appointment of a Receiver by an application to be made to the Court of Chancery at Toronto, in a summary manner without suit, and on any such application, it shall be lawful for such Court, after hearing the parties, or giving them an opportunity to be heard, to appoint some person to receive the whole or a competent part of the Tolls or sums liable to the payment of such interest, or principal and interest, until the same, together with all costs, including the charges of receiving the Tolls or sums aforesaid, shall be fully paid; and upon such appointment being made, all such Tolls and sums of money as aforesaid, shall be paid to, and received by the person so to be appointed, and the moneys so to be received shall be

Receiver of
rates and
tolls may be
appointed in
certain cases

And at
whose in-
stance.

His powers
and duties.

so much money received by or to the use of the party or parties to whom such interest or principal and interest shall be then due, and on whose behalf such Receiver shall be appointed, and after such interest or principal and interest and costs shall have been so received, the power of such Receiver shall cease; Provided always that during the possession of any such Receiver, it shall be lawful for the said Court of Chancery from time to time, on the application of any creditor or creditors of the said Railway Company under any such security as aforesaid, whose interest or principal, or both shall be in arrear, by order to direct that such last mentioned creditor or creditors shall be entitled to the benefit of such Receivership from the time of the service of the same order on such Receiver, and upon such order being so made, and served on such Receiver, the creditor or creditors mentioned therein, shall thenceforth be entitled to the benefit of such Receivership, in the same manner as if he or they had joined in the original application for the appointment of the Receiver.

Provide :

Chancery may extend the benefit of the receivership to other creditors.

Appointment of Receiver not to interfere with the rights of the Canada Company.

V. Provided always, and it is hereby enacted and declared, That every appointment of a Receiver to be made as aforesaid, and also every mortgage or other specific lien or charge on all or any part of the present or future property, tolls or credits of the said Railway Company, shall be subject to the right of the said Canada Company under the said Mortgage Deed to enter upon, take possession of, or otherwise deal with the property included in or charged by the said Mortgage, or expressed or intended so to be, and if the said Canada Company shall think fit to have a Receiver of the tolls and profits of the said undertaking appointed on their behalf, as such Mortgagees, the said Canada Company may apply to the Court of Chancery, and procure the dismissal of any Receiver appointed by the said Court as aforesaid, in a summary manner and without suit; Provided nevertheless, that the said Mortgage Security to the said Canada Company, shall be held and enforced by the said Canada Company, in trust for the benefit not only of the said Bondholders, to the amount of two hundred and seventy-five thousand pounds sterling, but also of the holders of all other bonds, debentures or securities of the said Railway Company, which shall be lawfully issued by the said Railway Company, and shall be expressed to be issued or made on the security of the said Mortgage, rateably and in proportion to the sums which for the time being shall have

Provide.

become actually due and payable thereon for interest or principal, or both.

VI. And be it declared and enacted, That the third Clause of the *Toronto and Guelph Railway Act*, of one thousand eight hundred and fifty-one, or anything in that Clause or in this Act expressed, does not in any respect take away, lessen, restrict, prejudice, or otherwise affect any of the powers, authorities, indemnities, rights and privileges which are granted and conferred by and may be had, exercised and enjoyed by virtue of the incorporation with that Act, of such of the Clauses of the *Railway Clauses Consolidation Act*, as in and by the Fourth Clause of the *Toronto and Guelph Railway Act*, of one thousand eight hundred and fifty-one, are expressed to be and are incorporated with that Act.

Sect. 3 of the said Act, does not limit the rights conferred by clauses of 14 & 15 V. c. 51 incorporated with it.

VII. And be it enacted and declared, That at the next annual general meeting of the said Company, and at every annual general meeting thereafter, six of the thirteen elected Directors of the said Company shall annually retire in rotation, the selection of the first six to retire being decided by lot, or in such other manner as shall be provided by the Directors of the said Company by rule or regulation in that behalf to be passed, but the Directors so from time to time retiring shall be eligible for re-election; and all votes hereafter to be given at annual or general or special meetings of Proprietors in respect of the stock subscribed, or hereafter to be subscribed by Municipal Corporations, shall be given by the Mayor or Reeve of such Municipal Corporations respectively, under and subject to such resolutions as shall from time to time in that behalf be made by such Municipal Corporations, respectively.

Six Direct'rs to retire yearly, &c.

VIII. And be it enacted, That it shall and may be lawful for the Directors of the said Company for the time being, to issue shares for stock to be subscribed in England, or elsewhere, in such amounts respectively, of sterling money of Great Britain, as to such Directors shall from time to time seem fit, and to make the dividends thereon payable in like sterling money in England, or elsewhere, at such place or places as to such Directors shall from time to time seem fit, and to regulate from time to time the number of votes which the holders for the time being of such shares to be issued in

Directors may issue shares to be subscribed for in England or elsewhere.

They may
appoint
agents.

England, or elsewhere, shall have respectively, relatively to the amount of stock held by the respective proprietors for the time being of such shares to be issued in England, or elsewhere, and in the proportion which the amount of a share issued in Canada shall bear to the amount of a share issued in England, or as near as possible thereto as the difference between currency and sterling will permit, and from time to time to appoint agents of the said Company in England, or elsewhere, and to delegate to such agents such powers as to the Directors of the said Company shall from time to time seem fit, and to make such rules and regulations as to the Directors of the said Company shall from time to time seem fit, as to the issuing of such shares in England, or elsewhere, and as to the mode, time and place or places of transfer of such shares, and as to the mode, time and place of paying the dividends from time to time to accrue thereon, and otherwise, as shall be deemed requisite or beneficial for giving full effect to the power hereby vested in the Directors of the said Company in respect of issuing such shares in England or elsewhere.

Certain calls
on stock of
Company
declared
valid.

IX. And be it enacted and declared, That all calls upon the Capital Stock of the *Toronto and Guelph Railway Company*, already made, or which hereafter shall be made, the amount of which respectively has been prescribed, or which hereafter shall be prescribed by any By-law passed or to be passed at a general meeting of the Shareholders of the said Company, and of which due notice shall have been given in accordance with the provisions of the Railway Clauses Consolidation Act, shall be, and the same are hereby declared to be good and valid calls, in the same manner as if the maximum limit of the amount of such calls respectively had been prescribed in the said Act, intituled, *An Act to incorporate The Toronto and Guelph Railway Company*, or in this Act.

How this Act
shall be con-
strued.

XI. And be it enacted, That this Act shall be construed as if the same formed part of the said Act, intituled, *An Act to incorporate The Toronto and Guelph Railway Company*, and that the several Clauses of the Railway Clauses Consolidation Act, mentioned in the fourth Clause of the said Act to incorporate the *Toronto and Guelph Railway Company*, shall be, and the same are hereby declared to be incorporated with this Act, and that in reciting for any purpose the

said Act to incorporate the *Toronto and Guelph Railway Company*, it shall be sufficient to use the expression, *The Toronto and Guelph Railway Company Act*. And in reciting this Act, it shall be sufficient to use the expression, *The Toronto and Guelph Railway Amendment Act of 1852*.

Short title.

XI. And be it enacted and declared, That it shall and may be lawful for the said *Toronto and Guelph Railway Company* to extend their said Railway from the Town of Guelph, and to construct a single, double, or other line of Railway, westerly from the said Town of Guelph through the Village of Stratford, and to the waters of the River St. Clair at the Port of Sarnia, and to make and erect all necessary erections, works and buildings for the proper use and enjoyment of such extension, and for that purpose to raise in such manner by loan, subscription of stock, issuing of shares, or otherwise, as to the Directors of the said Company for the time being shall seem fit, a further sum of one million Pounds, Provincial currency, or such further amount of Capital as shall from time to time be deemed to be necessary for the proper and efficient construction, maintenance and working of such extension; and that all Clauses of the Railway Clauses Consolidation Act which are incorporated with, or made part of the said Act incorporating the *Toronto and Guelph Railway Company*, and which are incorporated with or made part of this Act for the purpose of or in relation to the said Railway from the City of Toronto to the Town of Guelph, shall be, and the same are hereby declared to be incorporated with this Act for the purpose of constructing, maintaining and working the extension by this Clause authorized to be constructed westerly as aforesaid from the Town of Guelph, and that all the powers, authorities, indemnities, rights and privileges which from and after the passing of this Act shall and may be had, exercised and enjoyed by the said *Toronto and Guelph Railway Company*, and the Directors thereof respectively, in respect of the Railway authorized to be constructed by the said Company from the City of Toronto to the Town of Guelph, shall be had, held, exercised and enjoyed by the said Company, and by the Directors thereof respectively, for the better and more effectual constructing, maintaining and working the extension by this Clause authorized to be constructed westerly from the said Town of Guelph, in the same manner and to the

Company may extend their Railway to Port Sarnia.

Increase of capital for such purpose

Powers to apply to such extension.

same extent as if such several and respective powers, authorities, indemnities, rights and privileges were herein separately, severally, distinctly and at large re-enacted or declared in respect of or for the purpose of or in relation to the constructing, maintaining and working the said extension by this Clause authorized to be constructed or intended so to be.

Public Act.

XII. And be it enacted, That this Act shall be deemed to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices and others.

16TH VICTORIAE, CAP. 239.

AN ACT

To amend and extend the Charter of The Woodstock and Lake Erie Railway and Harbour Company.

[ASSENTED TO 14th June, 1853.]

WHEREAS the Woodstock and Lake Erie Railway and Harbour Company have prayed that the time allowed them by their Act of incorporation to commence and complete their Railway and other works may be extended, that their capital may be increased, that they may be allowed to extend their Road to Dunville, and that certain other amendments may be made to their said Act of incorporation, to facilitate them in carrying out their undertaking, and it is expedient to grant their prayer: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That for and notwithstanding anything in the twenty-ninth Section of the Act passed in the Session held in the tenth and eleventh years of Her Majesty's Reign, and intituled, *An Act to incorporate The Woodstock and Lake Erie Railway and Harbour Company*, the said Act shall be and is hereby declared to be and shall continue to be in full force and effect, provided the said Woodstock and Lake Erie Railway and Harbour Company shall commence the construction of the works therein mentioned within two years from the passing of this Act, and shall complete the same and the extension thereof hereinafter authorized, within ten years from the same time,

Preamble.

Powers given by Act 10 & 11 V., c. 117, continu'd for a certain time, on certain conditions.

and if they be not commenced within the period first aforesaid, the said Act and this Act and the powers thereby granted, shall cease and determine, and if the said works be not so completed within the period secondly mentioned, then the said Act and this Act and the powers thereby granted, shall cease and determine as regards such part of the said works as shall not then be completed and opened to the use of the Public, but shall remain in force as to such parts of the said works as shall then be completed and open as aforesaid.

Extension of
Railway au-
thorized, and
powers of
Company,
&c., to apply
to such ex-
tension.

Proviso.

II. And be it enacted, That the said Company shall have full power and authority to extend their Railway from Port Dover (or from Simcoe, or from any point between those places) to Dunville in the County of Haldimand, and to such extension all the provisions of the said Act and of this Act, and all the powers thereby or hereby granted to the said Company, shall extend and apply as fully to all intents and purposes whatever as to the Railway in the said Act mentioned, or as they could do if the said extension had been mentioned in the said Act as part of the Railway the said Company were thereby authorized to construct: Provided always, that such Company shall be compelled to extend their Road from Woodstock to Port Dover and construct the same at the same time with the extension thereof to Dunville.

Increase of
Capital pro-
vided for.

III. And be it enacted, That the Capital Stock of the said Company may be equal to, but shall not exceed the sum of Five Hundred Thousand Pounds Currency, divided into shares of Five Pounds each; any thing in the twenty-third section or in any other part of the said Act to the contrary notwithstanding, and such increased Capital Stock may be raised and dealt with in like manner as the Capital Stock mentioned in the said Act, and under the provisions of the said Act as hereby amended.

Sec. 18 of 14
& 15 V., c. 51,
to apply to
Company,
except the
the third
paragraph.

IV. And be it enacted, That the eighteenth Section of the Railway Clauses Consolidation Act, except the paragraph or subdivision thereof marked *Thirdly*, shall be and is hereby incorporated with the Act hereby amended and with this Act, and shall extend and apply as well to any subscription by any Municipality to the Stock of the said Company before the passing of this Act, as to such subscriptions after the

passing thereof: Provided that if the amount of stock held by any Municipality be not sufficient to entitle the Mayor, Warden or Reeve of such Municipality to be an *ex officio* Director of the said Company, then such person or persons as shall be thereunto from time to time empowered by By-law of the Municipality, may vote upon such Stock, in like manner as private Shareholders; And provided also, that it shall be lawful for the Municipality of the Township of Woodhouse, by any By-law to be passed by the Council thereof within two months from the passing of this Act, to withdraw the subscription of the said Municipality before the passing of this Act, to the stock of the said Company, in which case such subscription shall be void and of no effect, but if such By-law be not passed within the said period, then the said subscription shall be valid and shall bind the said Municipality: Provided further, that any Stockholder in the said Company who may have subscribed for such Stock before the passing of this Act may, within the said period of two months from the passing of this Act, withdraw from the said Company by a written request to the Secretary of the Company to that effect, and thereupon such Stockholder shall be discharged from any further liability on account of the said Company, and shall receive back any sum or sums of money he may have paid to the Company on account of such stock.

Proviso.

Proviso:
Municipality
of Port Dover
may
withdraw
their sub-
scription
within a cer-
tain time.

Proviso:
Any subscri-
ber may
withdraw
within a cer-
tain time.

V. And be it enacted, That so much of the eighteenth Section of the Act first above cited as requires that each of the Directors of the said Company shall be a Stockholder to the extent of one hundred shares, shall be repealed; and the Directors of the Company shall be chosen from among the Stockholders holding Stock to the extent of twenty-five shares each, which shall be the qualification of a Director, except always, that it shall not be necessary that any *ex officio* Director should be the holder of any Stock of the said Company: and in addition to the number of Directors mentioned in the said Act, the Board of Directors shall include also the *ex-officio* Directors mentioned in the next preceding Section, who shall respectively have all and every the powers vested in Directors by the said Act.

Sec. 18 of 10
& 11 V., c.
117 amended
as regards
the number
and qualifi-
cation of Di-
rectors.

Certain
clauses of 14
§ 15 V., c. 51
incorporat'd
with this Act

VI. And be it enacted, That the several Clauses of the Railway Clauses Consolidation Act, with respect to "Powers," "Tolls," "Actions for Indemnity and Fines and Penalties and their prosecution," "Working of the Railway," and "General provisions," shall be and are hereby incorporated with the Act hereby amended, and with this Act; and so much of the said Act as may be inconsistent with any of the provisions of the said Clauses of the Railway Clauses Consolidation Act, shall be and is hereby repealed.

Public Act.

VII. And be it enacted, That this Act shall be held to be a Public Act.

10TH & 11TH VICTORIA, CAP. 117.

AN ACT

To Incorporate The Woodstock and Lake Erie Railway and Harbour Company.

Reserved for the signification of Her Majesty's pleasure 28th July, 1847.

The Royal Assent given by Her Majesty in Council, on the 15th April, 1848; and Proclamation made thereof by His Excellency JAMES, EARL OF ELGIN AND KINCARDINE, in the *Canada Gazette* of the 24th June, 1848.

Preamble.

WHEREAS it is desirable for the benefit of the country that a Railroad or Way should be constructed, extending from Woodstock, in the District of Brock, to the shores of Lake Erie, and that the same should extend in as direct a line as practicable from Woodstock aforesaid, to some harbour or harbours on the said Lake, between Port Dover and Port Burwell inclusive: And whereas it is expedient to incorporate a Joint Stock Company for the said purpose and others hereinafter mentioned: And whereas A. W. Light, John Vansittart, P. Graham, S. F. Robertson, Henry Finkle, John Arnold, James Carroll, Edmund Deedes, Henry Vansittart, Thomas Cottle, William Lapenotiere, H. C. Barwick, and others, Her Majesty's subjects residing in this Province of Canada, have petitioned for the passing of an Act incorporating a Company for the purpose of constructing a single or double track wooden or iron Railroad or Way from the said Town of Woodstock to such Harbour or Harbours as aforesaid: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of*

Certain persons incorporated as a Company.

Corporate name and powers.

Common Seal.

Holding property.

Proviso: Real estate limited.

Company may construct a Railway from Woodstock to certain points on Lake Erie.

Canada, and it is hereby enacted by the authority of the same, That the said A. W. Light, John Vansittart, P. Graham, S. F. Robertson, Henry Finkle, John Arnold, James Carroll, Edmund Deedes, Henry Vansittart, Thomas Cottle, William Lapenotiere, H. C. Barwick, with all such other persons as shall become Stockholders in such Joint Stock Company as is hereinafter mentioned, shall be and are hereby ordained, constituted and declared to be a body corporate and politic in fact, and under the name and style of *The Woodstock and Lake Erie Railway and Harbour Company*, and by that name they and their successors shall and may have continued succession, and by such name shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded, answering and being answered unto in all Courts and places whatsoever, in all manner of actions, suits, complaints, matters and concerns whatsoever; and they and their successors may and shall have a common seal and may change and alter the same at their will and pleasure, and also that they and their successors by the same name of *The Woodstock and Lake Erie Railway and Harbour Company*, shall be by law capable of purchasing, having and holding to them and their successors, any estate, real, personal or mixed, to and for the use of the said Company, and of letting, conveying, and otherwise departing therewith, for the benefit and on account of the said Company from time to time as they shall deem necessary and expedient: Provided always, nevertheless, that the real estate to be held by the said Company shall be only such as shall be required to be held by them for the purpose of making, using and preserving the Railway and Harbours they are hereby empowered to construct, and for the objects immediately connected therewith.

II. And be it enacted, That the said Company and their agents or servants and workmen, shall have full power under this Act, to lay out, construct, make and finish a double or single iron or wooden Railroad or Way at their own costs and charges, on and over any part of the country lying between the Town of Woodstock and the harbours of Port Dover and Port Burwell inclusive, on Lake Erie aforesaid, and to take, carry and transport thereon passengers, goods, merchandize and property of any kind, sort or description, either in carriages used and propelled by the force of steam or by any other power, whether of animals or mechanical, or

by any combination of power, which the said Company may choose to employ; and also full power and authority to construct one or more vessel or vessels whether propelled by steam, sails, or any other power, for the means of conveying (for the purposes of the said Road only) the said passengers, goods, merchandize and property from all or any of the said ports on the said lake to any port or place necessary, and also to construct, complete and finish commodious Harbours, Wharves and Piers for the use and accommodation of the said vessels, goods, wares and merchandize.

May build
Vessels.

And con-
struct Har-
bours,
Wharves,
&c.

III. And be it enacted, That the said Company are hereby empowered to contract, compound, compromise and agree with the owners or occupiers of any lands upon which they may determine to construct the said Railroad, Harbours and Wharves, either by purchase of so much of the said land and privileges as they shall require for the purposes of the said Company, or for the damages which he, she or they shall and may be entitled to receive of and from the said Company, in consequence of the said intended Railroad, Harbours and Wharves being made and constructed in and upon his or their respective lands; and in case of any disagreement between the said Company and the owner or owners, occupier or occupiers as aforesaid, it shall and may be lawful from time to time for each owner or occupier so disagreeing with the said Company, either upon the value of the lands and tenements or private privileges proposed to be purchased, or upon the amount of damages to be paid to them as aforesaid, to nominate and appoint one indifferent person, and for the said Company to nominate one other indifferent person, who, together with one other indifferent person to be chosen by the persons so named, before proceeding to business, or, in the event of their differing as to the choice of such other person, to be appointed by the Judge of the District Court for the District in which the lands are situate, before the others proceed to business, shall be Arbitrators to award, determine, adjudge, and order the respective sums of money which the said Company shall pay to the respective persons entitled to receive the same, the award of the majority of whom shall be final; and the said Arbitrators shall be, and they are hereby required to attend at some convenient place in the vicinity of the said intended Railroad, to be appointed by the said Company after eight days' notice for that purpose given by the said Company, then and there to arbitrate, award, adjudge and determine

Company
may agree,
&c., with
owners of
lands for
the same.

Case of dis-
agreement
provided for.

Appointm't
of Arbitra-
tors.

Third Arbi-
trator how
appointed.

Award to be
final.

Arbitrators
to be sworn.

Provide:
Award may
be set aside
by Queen's Bench for
cause.

such matters and things as shall be submitted to their consideration by the several parties interested; and that each Arbitrator shall be sworn (before some one of Her Majesty's Justices of the Peace, in and for the District in which the subject matter of the said disagreement shall originate, any of whom may be required to attend the said meeting for that purpose) well and truly to assess the damages between the parties according to the best of his judgment; Provided always, that any award made under this Act, shall be subject to be set aside on application to the Court of Queen's Bench, in the same manner and on the same grounds as in ordinary cases of submission by the parties, in which case a reference may be again made to arbitration as hereinbefore provided.

All sums
awarded to
be paid with-
in three
months on
pain of for-
feiting the
right to take
possession.

IV. And be it enacted, That whatever sum of money may be lawfully awarded to any person or persons for compensation for property required to be occupied, or for damages occasioned by the interference of the said Company with his or their property, rights, or privileges, shall be paid within three months from the time of the same being awarded, and in case the said Company shall fail to pay the same within that period, then their right to assume any such property or commit any act in respect of which such sum of money was awarded, shall wholly cease, and it shall be lawful for the proprietor or proprietors to resume his, her or their occupation of such property, and to possess fully his rights and privileges in respect thereof, free from any claim or interference from the said Company.

When award
is made for
more than
offered by
Company,
expense of
arbitration
to be defray-
ed by Com-
pany; but if
otherwise,
then by the
party, and
deducted
from the
compensa-
tion.

V. And be it enacted, That when an award shall be made for more money as an indemnification or satisfaction for any lands, grounds, hereditaments or property, or for any damage done to any lands, tenements, hereditaments or property of any person or persons whatsoever, than had previously been offered by or on behalf of the said Company, then all the expenses of holding the said arbitration shall be defrayed by the said Company; but if any award shall be given for the same or a less sum than had been previously offered by or on behalf of the said Company, or in case no damages shall be awarded (when the dispute is for damages only) then and in every such case the costs and expenses shall be settled in like manner by the Arbitrators and paid by the party or parties with whom the said Company shall have

had such dispute, which said costs and expenses having been so settled, shall and may be deducted out of the money so awarded when the same shall exceed such costs and expenses, as so much money advanced to and for the use of such person or persons, and the payment or tender of the remainder of such money shall be deemed and taken to all intents and purposes to be a payment or tender of the whole sum so awarded to be paid by the said Company to such person or persons as aforesaid.

VI. And be it enacted, That whenever any lands or grounds required by the said Company for the purpose of the said Railroad, Harbours, Wharves and Piers are held and owned by any person or persons, bodies politic or corporate or collegiate, whose residence may not be within this Province or unknown to the said Company, or when the title to any such lands or grounds may be in dispute, or when the owner or owners of such lands or grounds are unwilling or unable to treat with the said Company for the sale thereof or to appoint Arbitrators as aforesaid, or refuse or neglect to do so for the space of one calendar month after having been thereto required by the said Company, it shall and may be lawful for the said Company to nominate one indifferent person and for the Judge of the District Court for the District in which the lands are situate, on the application of the said Company, to nominate and appoint one other indifferent person, who, together with one other person to be chosen by the person so named before proceeding to business, or, in the event of their differing as to the choice of such other person, to be appointed by the said Judge before the others proceed to business, shall be Arbitrators to award, determine, and adjudge and order the respective sums of money which the said Company shall pay to the respective persons entitled to receive the same, for the said lands or grounds or damages as aforesaid, and the decision of the majority of such Arbitrators shall be final; which said amount so awarded the said Company are to pay or cause to be paid to the several parties entitled to receive the same when demanded, and also that a record of such award or arbitration shall be made up and signed by the said Arbitrators or a majority of them, specifying the amount of such award and the costs of such arbitration, which may be settled by the said Arbitrators or a majority of them, which record shall be deposited in the Registry Office of the County in

Proceedings to be adopted when the parties are unknown, or out of the Province, or refuse to appoint Arbitrators.

which such lands are situated; and also that the expenses of the said arbitration shall be paid by the said Company, and by them be deducted from the amount of such award on payment thereof to the parties entitled to receive the same.

Proceedings
to be adopt'd
when lands
are under
mortgage.

VII. And be it enacted, That whenever any lands or grounds required to be used by the said Company shall be held under mortgage, it shall and may be lawful to and for the said Company to nominate one indifferent person, and for the Judge of the District Court for the District in which such lands are situate, on the application of the said Company, to appoint one other indifferent person, who, together with one other person, to be chosen by the persons so named before proceeding to business, or, in the event of their differing as to the choice of such other person, to be appointed by the said Judge before the others proceed to business, shall be Arbitrators to decide on and assess the value of the said lands and grounds or the amount of damages to be paid to the owners thereof as aforesaid, and upon such decision or award being made, the said Company shall pay or cause to be paid the amount of such award to the mortgagee as a payment for or on account of such mortgage, and upon such payment being so made the mortgagor and mortgagee are hereby required and compelled to join in conveying the said lands and grounds to the said Company and their successors; Provided always, that when the amount of such award shall exceed the amount secured and paid on such mortgage, the said Company, after the amount due on such mortgage, shall pay or cause to be paid the balance of the said award to the mortgagor or other party entitled to receive the same.

Provide:
when the
award ex-
ceeds the
mortgage.

Crown lands,
or lands
held for the
defence of
Province,
not to be
taken with-
out permis-
sion.

VIII. And be it enacted, That whenever it shall be necessary for the said Company to occupy any part or parts of the lands or grounds belonging to the Queen's Majesty, or which have been at any time heretofore specially set apart and reserved, or which are designated or commonly known as Crown Lands, or lands reserved for Military purposes, they shall first apply for and obtain a license and consent of Her said Majesty, Her Heirs and Successors, under the hand and seal of the Governor or person administering the Government of this Province, for the time being, and having obtained such consent and license, it shall and may be lawful for them at any

time to enter into and upon, have, hold, use, occupy and enjoy any part or parts of the said lands and grounds, for the purposes of this Act or for any other purposes connected therewith.

IX. And by it enacted, That after any lands or grounds shall be set out and taken as aforesaid by the said Company, for the purpose of making and completing the said double or single Wooden or Iron Railroad or Way, Harbours, Wharves, or Piers, or for other the purposes and conveniences aforesaid, it shall and may be lawful for all bodies politic, corporate or collegiate corporation communities, executors, administrators, tenants in tail in possession, and all other trustees or persons whatsoever, not only for and on behalf of those whom they represent, whether infants, issue unborn, lunatics, idiots, *femes-covert*, or other person or persons who are or shall be seized, possessed or interested in any lands or grounds which shall be so required as aforesaid or any part thereof, to contract for, sell and convey unto the said Company, their successors and assigns, all or any part of such lands or grounds which may from time to time be required as aforesaid; and that all contracts, agreements, sales, conveyances and assurances so to be made shall be valid and effectual in law, to all intents and purposes whatsoever; any law, statute, usage or custom to the contrary thereof in any wise notwithstanding: and all bodies politic, corporate or collegiate, and all persons whatsoever so conveying as aforesaid, are hereby indemnified for what he, she or they or any of them shall respectively do by virtue of or in pursuance of this Act, and that the conveyance executed to the said Company of any lands by a tenant in tail in possession, shall operate as a conveyance of the fee both in possession and reversion.

After lands have been set out and taken, all bodies corporate, and parties who could not otherwise alienate, may sell their property therein to the Company

X. And be it enacted, That all deeds or conveyances for lands, to be conveyed to the said Company for the purposes of this Act, shall and may, as far as the title to the said lands or the circumstances of the party making such conveyance will admit, be made in the form given in the Schedule marked A, to this Act annexed; and all Registrars are hereby authorized to enter in their Register Books such deeds, on the production and proof of execution thereof, without any memorial, and to minute such entry on the said deed, and the said Company are to pay the said Registrar for so doing the sum of two shillings and six pence for each deed so registered, and no more.

Deeds and Conveyances to be according to Schedule A.

Registration thereof, and fees.

Company
may explore
the country
lying be-
tween Wood-
stock and
Ports Dover
and Burwell,
and between
the said
Ports.

And may
set out and
survey lands
necessary
for their
works, &c.

May erect
works, build-
ings, &c.

And may al-
ter and re-
pair the
same, &c.

May place
materials,
&c.

May make
Bridges, &c.,
and other
necessary
things.

XI. And be it enacted, That the said Company shall have full power and authority to explore the country lying between the said Town of Woodstock and the said Ports Dover and Burwell, and between the said Ports respectively, and to designate and establish, and to take, appropriate, have and hold to and for the use of them and their successors, the line and boundaries of a double or single Railroad, Harbours, Wharves or Piers, with the necessary railways to connect the said Town of Woodstock with the said harbours or any or either of them; and for the purposes aforesaid the said Company and their agents, servants and workmen are hereby authorized and empowered to enter into and upon the lands and grounds of or belonging to Her Majesty, Her Heirs and Successors, or any other person or persons, bodies politic or corporate, and to survey and take levels of the same or any part thereof, and to set out and ascertain such parts thereof as they shall think necessary and proper for making the said single or double Railroad, Harbours, Wharves and Piers, and all such matters and conveniences as they shall think necessary and proper for making, effecting preserving, improving, completing and using the said intended Railroad, Harbours, Wharves and Piers, and also to make, build, erect and set up in and upon the route of the said Railroad, Harbours and Piers, or upon the lands adjoining or near the same, all such works, ways, roads, and conveniences as the said Company shall think requisite and necessary for the purposes of the said Railroad, Harbours, Wharves and Piers: and also from time to time to alter, repair, amend, widen or enlarge the same or any or either of them, or any other of the conveniences above mentioned, as well for carrying or conveying of all manner of materials necessary for making, erecting, furnishing, altering, repairing, widening, deepening, or enlarging the said works of or belonging to the said Railroad, or the said Harbours, Wharves and Piers, or any or either of them; and also to place, lay, work and manufacture the said materials on the ground near to the place or places where the said works, or any or either of them are or shall be intended to be made, erected, repaired or done, and to build and construct the several works and erections belonging thereto, and also to make maintain, repair and alter any fences or passages under or through the said Railroad, or which shall communicate therewith, and to construct and keep in repair any piers, arches, or other works in and upon and across any rivers, or brooks, for making, using, main-

taining, and repairing the said Railroad and side-paths; and also to construct, make and do all other matters and things which they shall think necessary and convenient for the making, effecting, preserving, completing and using the said Railroad, and the said Harbours, Wharves and Piers, in pursuance of, and within the true meaning of this Act, they the said Company doing as little damage as may be in the execution of the several powers to them hereby granted, and making satisfaction in manner herein mentioned for all damages to be sustained by the owners or occupiers of such lands, tenements and hereditaments.

As little damage to be done as possible, and compensation to be made.

XII. And be it enacted, That the said Company or their agents or servants, at any time after the passing of this Act, under and by virtue of its provisions, shall not, in constructing, building and furnishing a double or single iron or wooden Railroad or Way as aforesaid, on any part or portion of the country lying between the said Town of Woodstock and Ports Dover and Burwell, or in the constructing of any or either of the said Harbours, Wharves or Piers, in any degree interfere with or encroach on any fee simple, or other fee, right or private easement or privilege of any individual now holding and enjoying the same, or entitled thereto, without permission first had and obtained either by consent of the owner thereof or by virtue of the reference authorized by this Act.

Company not to interfere with the privileges of individuals without permission, unless after proceedings under this Act.

XIII. And be it enacted, That the said double or single Railroad or Way and the said Harbours, Wharves and Piers, and all materials which shall be from time to time got or provided for constructing, building, maintaining or repairing the same, and all tolls on goods, wares and merchandize or passengers as hereinafter mentioned, shall be and the same are hereby vested in the said Company and their successors for ever.

Railroad, works and Tools, &c., vested in the Company.

XIV. And be it enacted, That so soon as the said double or single Railroad or Way, of the said Harbours, Wharves or Piers or Vessels, or either of them, shall be so far completed as to be capable of being used, it shall and may be lawful for the said Company, through their President and Directors, from time to time to fix and regulate the tolls and charges to be received for the transportation, harbour dues and freight of all goods, merchandizes and passengers thereon, or to be

Company may levy tolls on all goods, &c., passing the Railroad, and Harbour dues, &c.

And to make
regulations,
build Toll-
houses, &c.

transported and conveyed thereby, or any other conveniences, erections or improvements, built, occupied or owned by the said Company to be used therewith, and it shall and may be lawful for them to ask for, demand, receive, recover and take the said tolls, dues or charges, to and for their own proper use and benefit; and also, that they shall have full power to regulate the time and manner in which goods and passengers shall be transported, taken and carried on the said double or single Railroad or Way, or Vessels, as well as the manner of collecting all tolls and dues on account of transportation and carriage, and shall have power to erect and maintain such Toll-houses and other buildings for the accommodation and proper transaction of their business as to them may seem necessary.

Company
may con-
struct their
Railroad
across any
stream of
water, road
&c.

Provide as to
such streams
roads, &c.

XV. And be it enacted, That whenever it shall be necessary for the said single or double Railroad or Way to intersect or cross any stream of water or watercourse, or any road or highway lying on the route thereof between the Town of Woodstock aforesaid, and the said harbours at Ports Dover and Burwell, or either of them, it shall be lawful for the said Company to construct their single or double Railroad or Way across or upon the same: Provided, that the said Company shall restore the stream or watercourse or road or highway thus intersected to its former state, or in a sufficient manner not to impair its usefulness, and shall moreover erect and maintain during the continuance of this Company, sufficient fences upon the line or the route of their said single or double Railroad or Way.

Where the
Railroad
crosses any
highway, the
flange not to
rise or sink
more than
one inch.

Heights of
bridges, &c.

XVI. And be it enacted, That where the said single or double Railroad or Way shall cross any public highway, the ledge or flange of such Railway for the purpose of guiding the wheels of the carriages, shall not rise above the level of such road nor sink below the level of such road more than one inch; and that where any bridge shall be erected or made by the said Company for the purpose of carrying the said double or single Railroad or Way over or across any public highway, the space of the arch of any such bridge shall be formed, and shall at all times be and be continued of such breadth as to leave a clear and open space under every such arch of not less than twelve feet, and of height from the surface of such public highway to the centre of such arch of not less than fourteen feet, and the descent under any such bridge shall not exceed one foot in thirty feet: and

that in all places where it may be necessary to erect, build or make any bridge or bridges for carrying any public carriage, road or highway over the said double or single Railroad or Way, the ascent of every such bridge for the purpose of every such road, shall not be more than one foot in twenty feet; and a good and sufficient fence shall be made on each side of every such bridge, which fence shall be not less than four feet above the level of such bridge.

Fences on each side of bridges.

XVII. And be it enacted, That if any person or persons shall do or cause to be done any act or acts whatever, whereby any building, construction or work of the said Company, or any engine, machine or structure or any matter or thing appertaining to the same shall be stopped, obstructed, impaired, weakened, injured or destroyed, the person or persons so offending shall forfeit and pay to the said Company double the amount of damages sustained in consequence and by means of such offence or injury, to be recovered in the name of the said Company, by action of debt to be brought in any Court of Record in that part of the Province of Canada formerly Upper Canada.

Penalty on persons injuring or obstructing the free use of the Railroad or works.

XVIII. And be it enacted, That the property, affairs and concerns of the said Company shall be managed by seven Directors, one of whom shall be chosen President, and who shall hold their offices for one year, each of which said Directors shall be a Stockholder to the amount of at least one hundred shares, and be elected on the first Tuesday in June in every year at Woodstock aforesaid, at such times of the day and in such place in the said Town of Woodstock as a majority of the Directors for the time being shall have appointed; and public notice thereof shall be given in any newspaper or newspapers that may be published in each of the Districts through which the said Railroad or Way shall pass, and in which the said Harbours, Wharves and Piers shall be situate; and the said election shall be held and made by such of the Stockholders of the said Company as shall attend for that purpose in their proper persons or by proxy; and all elections for such Directors shall be by ballot, and the seven persons who shall have the greatest number of votes at any election shall be Directors; and if it shall happen at any such election that two or more have an equal number of votes, in such manner that a greater number of persons shall by a plurality of votes appear to be chosen Directors, then the Stockholders hereinbefore

Affairs of the Company to be managed by seven Directors.

When to be elected.

Notice.

Who shall vote at such elections.

Directors to
elect a President.

authorized to hold such election shall proceed to elect by ballot until it is determined which of the said persons so having an equal number of votes shall be Director or Directors, so as to complete the whole number of seven, and the said Directors so chosen, as soon as may be after the said election, shall proceed in like manner to elect by ballot one of their number to be President, and if any vacancy or vacancies shall at any time happen among the Directors, by death, resignation, or removal from the Province, such vacancy or vacancies shall be filled for the remainder of the year in which they may happen by a person or persons to be nominated by a majority of the Directors.

Company
not to be dissolved by
any failure
to elect.

XIX. And be it enacted, That in case it shall happen that an election of Directors should not be made on any day when pursuant to this Act it ought to have been made, the said Company shall not for that cause be deemed to be dissolved, but it shall and may be lawful on any day thereafter to hold and make an election of Directors, in such manner as shall have been regulated by the By-laws and Ordinances of the said Corporation.

Each Share
to give one
vote.

XX. And be it enacted, That each Stockholder shall be entitled to the number of votes, proportioned to the number of shares, which he or she shall have held in his or her own name one month at the least prior to the time of voting, according to the following rate, that is to say: One vote for each share.

Directors
may make
By-laws, &c.

XXI. And be it enacted, That the Directors for the time being, or any majority of them, shall have power to make and subscribe such By-laws, Rules and Regulations as to them shall appear needful and proper, touching the management and disposition of the stock, property and estate and effects of the said Company, and touching the duty of officers, clerks and servants, and all such other matters and things as appertain to the business of the said Company; and shall also have power to appoint as many officers, clerks and servants for carrying on the said business, with such salaries and allowances as to them shall seem meet.

And appoint
officers and
servants.

First meeting of Stock-
holders to
elect Directors.

XXII. And be it enacted, That on the first Tuesday in the month of March next after the passing of this Act, a meeting of the Stockholders shall be held at the Town of Woodstock,

who in the manner hereinbefore provided shall proceed to elect seven persons to be Directors, who shall elect by ballot one of their number to be their President, and shall continue in office until the next Annual Meeting of the said Company, and who during such continuance in office shall discharge the duties of Directors in the same manner as if they had been elected at the Annual Election: Provided always, that if shares to the amount of sixty thousand pounds shall not be taken, then the said meeting shall not be held until that amount of stock shall have been taken up, and at least thirty days' notice thereof given in some one of the newspapers published in each of the Districts through which the said Railroad or Way may pass, but may be held at any time after the said amount is subscribed; and after such notice as aforesaid, and at whatever time such first meeting shall be held, the Directors elected thereat shall remain in office until the first Tuesday in June next thereafter.

Provide: a certain amount of Stock to be first subscribed.

XXIII. And be it enacted, That the whole Capital Stock of the said Company, exclusive of any real estate which the said Company may have or hold by virtue of this Act, shall not exceed in value two hundred and fifty thousand pounds, which amount shall be raised by the several parties hereinbefore named and by such other person or persons who may after the passing of this Act become subscriber or subscribers towards such stock, and be held in Fifty Thousand shares of Five Pounds each share, and that the shares of the Capital Stock be deemed personal property, and may, after the first instalment thereon shall have been paid, be transferred by the respective persons subscribing and holding the same to any other person or persons, and such transfer shall be entered and registered in one or more Books to be kept for that purpose by the said Company.

Amount of Capital Stock not to exceed £250,000.

Stock to be personal property, and how transferable.

XXIV. And be it enacted, That no Stockholder in the said Company shall be in any manner whatsoever liable for or charged with the payment of any debt or demand due by the said Company, beyond the extent of his, her or their share in the capital of the Company not paid up.

No stockholder to be liable beyond the amount of his Stock.

XXV. And be it enacted, That so soon as Directors have been appointed as aforesaid, it shall and may be lawful for them to call upon the Stockholders of the said Company by

Directors may call upon Stockholders for instalments.

Notice.

giving thirty days' notice thereof in any newspaper published in each of the said Districts through which the said Railroad or Way passes, for an instalment of five per cent. upon each share which they or any of them may respectively subscribe for, and that the residue of the amount of the shares of the Stockholders shall be payable by instalments at such times and in such proportions as the Directors of the said Company may see fit, so as no such instalment shall exceed five per centum, nor become payable in less than thirty days after the public notice in the newspaper or newspapers aforesaid: Provided always, that the said Directors shall not commence the construction of the said Railroad or Way, Harbours, Wharves, Piers or Vessels, or any or either of them, until the said first instalment shall be paid in.

Instalments limited.

Proviso as to commencing the work.

Penalty on Stockholders refusing to pay instalments.

XXVI. And be it enacted, That if any Stockholder or Stockholders as aforesaid shall refuse or neglect to pay at the time required any such instalment or instalments as shall be lawfully required by the Directors, as due and payable upon any share or shares, such Stockholder or Stockholders so refusing or neglecting shall forfeit such share or shares as aforesaid with any amount which shall have been previously paid thereon, and that the share or shares so forfeited may be sold by the said Directors, and the sum arising therefrom together with the amount previously paid thereon, shall be accounted for and applied in like manner as other monies of the said Company: Provided always, that the purchaser or purchasers shall pay the said Company the amount of the instalment required, over and above the purchase money of the share or shares so purchased by him, her or them, aforesaid, immediately after the sale, and before they shall be entitled to the certificate of the transfer of such shares so purchased as aforesaid: Provided also, that thirty days' notice of the sale of the forfeiture of such shares shall be given in the newspaper or newspapers aforesaid, and that the instalments due may be received in redemption of any such forfeited shares at any time before the day appointed for the sale thereof.

Proviso.

Proviso.

Directors to make annual or semi-annual dividends of profits, and to submit ac-

XXVII. And be it enacted, That it shall be the duty of the Directors to make annual or semi-annual dividends of so much of the profits of the said Company as to them or a majority of them shall seem advisable; and that once in each year an exact and particular statement shall be rendered

of the state of their affairs, debts, credits, profits and losses, statement to appear on the books and to be open to the perusal of any Stockholder at his or her reasonable request; which said statement, attested on oath, shall be annually submitted to the three Branches of the Legislature within fifteen days after the opening of each Session of the Provincial Parliament, and also a statement of the tonnage of goods, freight and number of passengers that have been conveyed along the said road or in the said vessels.

counts and statements to Stockholders and the Legislature.

XXVIII. And be it enacted, That whenever the sum of eighty-five thousand pounds of the Capital Stock of the said Company shall have been paid up and expended in the construction of some part or parts of the said Railroad or Way, Harbours, Wharves, Piers and Vessels, or either of them, it shall and may be lawful for the President and Directors of the said Company, being thereunto authorized by a General Meeting of the Stockholders to be called for that purpose, to borrow by way of loan from such party or parties as shall be willing to advance the same, and at the lowest rate of interest for which it can be procured, such sum or sums of money, not to exceed in the whole the balance of the Stock not paid up, for the purpose of carrying on and completing the said Railroad or Way, Harbours, Wharves, Piers or Vessels, and the said Railroad, Harbours, Wharves, Piers and Vessels, or such part or parts thereof as may be constructed with the income or tolls arising therefrom, after paying the necessary repairs and the expenses of conducting the business thereof, may be pledged as security for the payment of the principal money so borrowed and the interest thereof.

Directors may call General Meeting to raise a further sum by loan when £85,000 shall have been expended.

May mortgage the road, Harbours, &c., as security.

XXIX. And be it enacted, That the said Railroad, Harbours, Wharves, Piers and Vessels, or some of them, or some part thereof which the said Company are by this Act authorized to build and make, shall be commenced within five years from the passing of this Act, otherwise this Act and every matter and thing herein contained shall cease and be utterly null and void, and the said Railroad or Way, Harbours, Wharves, Piers and Vessels shall be completed and fit for public use within ten years from the passing of this Act, otherwise this Act shall cease to have force and effect with regard to such parts of the said

Road, &c., to be commenced within 5 years, and completed within ten years, on pain of forfeiting privileges.

Except as to portions then made. Railroad or Way, Harbours, Wharves, Piers and Vessels as shall not then be completed, but shall remain in force with regard to such parts of it as shall be complete and in use.

No travelling to be permitted on Sundays. XXX. And be it enacted, That it shall not be lawful for the said Directors to permit any travelling on the said Railroad or Way on Sundays.

Limitation of actions. XXXI. And be it enacted, That if any action or suit shall be brought against any person or persons for any matter or thing done in pursuance of this Act, such action or suit shall be brought within six calendar months next after such cause of action arose; and the defendant or defendants in such action or suit may plead the general issue only, and give this Act and the special matter in evidence on the trial.

Public Act. XXXII. And be it enacted, That this Act shall be deemed and taken to be a public Act, and as such shall be judicially noticed by all Judges, Justices of the Peace, and other persons without being specially pleaded.

The Legislature may alter the provisions of this Act. XXXIII. And be it enacted, That notwithstanding the privileges hereby conferred, the Legislature may at any time hereafter may such addition to this Act, or such alterations of any of its provisions as they may think proper for affording just protection to the public, or to any person or persons, body politic or corporate, in respect to their estate, property or rights, or any interest therein, or any advantage, privilege or convenience connected therewith, or in respect to any way or right, public or private, that may be affected by any of the powers given by this Act.

SCHEDULE A.

FORM OF CONVEYANCE.

Know all men by these presents, that I, A. B., of, &c. do hereby in consideration of (being the purchase money) paid to me by *The Woodstock and Lake Erie Railway and Harbour Company*, the receipt whereof I do hereby acknowledge, do grant bargain and sell, convey and confirm unto the said *Woodstock and Lake Erie Railway and Harbour Company*, their Successors and Assigns for ever, all that

certain tract or parcel of land situate, &c., (*here describe the land*) the same having been selected by the said Company for the purpose of their Road, Harbour, Wharf or Pier (*as the case may be.*)

To have and to hold the said land and premises together with the hereditaments and appurtenances thereto to the said *Woodstock and Lake Erie Railway and Harbour Company*, their Successors and Assigns for ever.

Witness my hand and seal, this

day of

A. B.

Signed, sealed and delivered in the presence of

[L. s.]

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AN ACT

To Incorporate The London and Port Stanley Railway Company.

[ASSENTED TO 23rd May, 1853.]

Preamble.

Certain persons incorporated.

WHEREAS it is highly desirable that a Railway should be made from some point on the Great Western Railway at or near the Town of London, to Port Stanley, and the persons hereinafter mentioned have petitioned to be incorporated for that purpose: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That J. C. Anderson, G. W. Boggs, W. D. Hale, G. R. Williams, Robt. Thompson, Wm. H. Higman, J. M. Batt, Boyce Thompson, Lawrence Lawrason, Lionel Ridout, S. S. Pomroy, E. Jones Parke, E. Leonard, Wm. Smith, S. Morrill, Freeman Talbot, Ellis W. Hyman, Thos. C. Dixon, Alexr. Anderson, Thos. Carling, Edwd. Adams, Samuel Peters, John K. Labatt, Wm. Barker, Daniel Harvey, Murdoch McKenzie, Crowell Willson and Cyremus D. Hall, together with such other person or persons as shall under the provisions of this Act become subscribers to or proprietors of any share or shares in the Railway hereby authorized to be made, and their several and respective heirs, executors, administrators, curators or assigns, being proprietors of any share or shares in the said Railway, shall be and are hereby united into a Company for constructing, maintaining and

working the said Railway, according to the rules, orders and directions of this Act, and shall for that purpose be one body corporate and politic by the name and style of *The London and Port Stanley Railway Company*, and the said Company shall be and are hereby authorized and empowered from and after the passing of this Act, by themselves, their deputies, agents, officers, workmen and servants, to make and complete a Railway, to be called *The London and Port Stanley Railway*, from such point on the Great Western Railway at or near the Town of London, as shall be found most convenient and advantageous for the intersection thereof, to Port Stanley on Lake Erie, the said line being first approved by the Governor in Council.

Corporate
name and
general pow-
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Line of Rail-
way.

II. And be it enacted, That the Gauge of the said Railway shall be five feet six inches.

III. And be it enacted, That it shall be lawful for the said Company to raise and contribute among themselves, in such proportions as to them shall seem meet and convenient, a competent sum of money, for making and completing the said Railway and all such other works, matters and conveniences as may be found necessary for making, effecting, preserving, improving, completing, maintaining and using the said Railway and other works; Provided always, that the parties hereinbefore named, or a majority of them, shall cause books of subscription to be opened in the Town of London, and Village of Port Stanley and elsewhere as they may from time to time appoint, until the first meeting of Shareholders hereinafter provided for, for receiving the signatures of persons willing to become subscribers to the said undertaking; and for this purpose they shall give public notice in such newspapers as they or a majority of them think proper, of the time and place at which such books will be opened and ready for receiving signatures as aforesaid, and of the persons by them authorized to receive such subscriptions; and every person who shall write his or her signature in such book as a subscriber to the said undertaking shall thereby become a member of the said Company, and shall have the same rights and privileges as such, as are hereby conferred on the several persons who are herein mentioned by name as members of the said Company.

Company
may raise
the requisite
capital.

Books of sub-
scription to
be opened.

Notice.

Rights and
liabilities of
subscribers.

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Capital.

Application
of Capital.

IV. And be it enacted, That the sum to be raised or subscribed shall constitute the Capital Stock of the said Company, and shall not exceed in the whole the sum of One Hundred and Fifty Thousand Pounds; and the money to be raised and subscribed is hereby directed and appointed to be laid out and applied in the first place, for paying and discharging all fees and disbursements for obtaining and passing this Act, and for making the plans, surveys and estimates incident thereto, and all the rest, residue and remainder of such money, for and towards making, completing and maintaining the said Railway and other the purposes of this Act, and to no other use, intent or purpose whatever.

Shares to be
£25 each.

V. And be it enacted, That the said Capital Stock of the said Company shall be divided into shares of Twenty-five Pounds currency each, and each holder of or subscriber for any share or shares shall have a part of all the profits of the said undertaking proportionate to the number of shares he shall hold or have subscribed for, and shall pay a part of the expenses incurred in carrying this Act into effect, proportionate to the number of shares he shall hold or have subscribed for.

Directors
may call in
instalments.

Proviso.

Proviso.

VI. And be it enacted, That it shall and may be lawful for the Directors at any time to call upon the Shareholders for such sum or sums of money as they may require upon each and every share which the Shareholders may subscribe for, payable by such instalments and at such times, and in such proportion as the Directors of the said Company may see fit; Provided that no such instalment shall exceed ten per cent. of the Capital Stock so subscribed; And provided also that no second or other instalment shall be called for within three months of the date of the next previous call.

First General
Meeting,
and election
of Directors.

VII. And be it enacted, That the first General Meeting of the subscribers to the said undertaking, shall be held at the Town of London, whenever twelve hundred shares in the Capital Stock of the said Company shall have been *bona fide* subscribed for, and ten per cent. paid thereon as hereinafter provided, and at such meeting nine persons, being each a subscriber for at least six shares, who shall have paid ten per cent. thereon, shall be chosen Directors, five of whom shall form a *quorum*, to hold their office until the first Annual

Meeting of the Shareholders, and due notice shall be given of the time and place of such first meeting, by the persons hereinbefore appointed, in the manner provided for with regard to the notice to be given by them touching the books of subscription. Notice.

VIII. And be it enacted, That the Annual Meetings of the Shareholders of the Company shall be held at the place and on the day in each year to be fixed by the By-laws of the said Company, by which also the mode of calling Special Meetings of the Shareholders shall be fixed, and all other matters and things relative to the manner of conducting and managing the business and affairs of the said Company, for which no special provision is made by this Act; but no such By-law shall be inconsistent with the provisions of this Act or with the laws of this Province. Annual General Meetings.

Proviso.

IX. And be it enacted, That all the provisions of the Act of the Parliament of Upper Canada, passed in the fourth year of the Reign of His late Majesty King William the Fourth, and intituled, *An Act to incorporate the London and Gore Railroad Company*, and the Acts of the Parliament of this Province reviving, extending or amending the same, or relating to the Company thereby incorporated, and since called the Great Western Railway Company, which shall be in force at the time of the passing of this Act, (whether passed during the present or any former Session of the Provincial Parliament,) and which shall not be inconsistent with this Act or provide for matters provided for by this Act, shall be and are hereby incorporated with this Act, and shall extend and apply to the Company hereby constituted and the Railway which they are empowered to make, as fully and effectually as of the said provisions were herein repeated and re-enacted with respect to the said Company and to the said Railway; and all the provisions of the said Acts which are so incorporated with this Act, shall be intended and included by the expression "this Act," whenever it is used herein. Certain provisions of Acts relative to the Great Western Railway Company, incorporated with this Act.

Words "th 1st Act," interpreted.

X. And be it enacted, That the said Company shall have the power and authority to borrow money, from time to time, for making, completing, maintaining and working their said Railway, as they may think advisable, and to pledge the lands, tolls, revenues and other property of the Company for the due payment thereof. Power to borrow money, &c.

Navigation
of Rivers,
&c., not to
be impeded.

XI. And be it enacted, That in the construction of the said London and Port Stanley Railway, the Directors thereof or their agents shall not by the erection of any bridge or otherwise obstruct or impede the navigation of any river, brook or stream of water, over or alongside of which it may be necessary to construct the said Railway.

Provision for
union with
Great West-
ern Railway
Company.

XII. And be it enacted, That it shall be lawful for the Directors (if authorized by any General Meeting of the Shareholders, to be called for that purpose,) or a majority thereof, to enter into or make any arrangement with the Directors of the Great Western Railway Company, or any other Railway Company, now or hereafter to be chartered in any part of this Province, for the union, junction and amalgamation of the said London and Port Stanley Railway Company, with such other Railway Company, or for the purchase by the one Company of the Railway of the other, as may be by mutual agreement decided upon between such Companies aforesaid.

Great West-
ern Railway
Company
may unite
the said
Railway
with theirs.

XIII. And be it enacted, That the Directors of the Great Western Railway Company shall have and are hereby invested with full power and authority at any time hereafter, to enter into any agreement with the said London and Port Stanley Railway Company, as provided by the next preceding section of this Act, and by By-law or By-laws to that effect, to incorporate the Capital Stock of the said London and Port Stanley Railway Company, with the Capital Stock of the said Great Western Railway Company on equal terms with the Capital Stock of the said Great Western Railway Company, and from thenceforth the same shall be one and the same stock, and the said London and Port Stanley Railway shall become part and parcel of the Great Western Railway, as if originally constructed by the said Great Western Railway Company, and subject to all the regulations of the said Company, in the same manner as other portions of the Line of the said Great Western Railway and the Capital of the Great Western Railway Company shall be increased accordingly; and from the date of such amalgamation of the said Capital Stock and Line of Railway of the said London and Port Stanley Railway Company, with the said Great Western Railway Company, so much of this Act as may be inconsistent

ent with such amalgamation, shall cease and determine, but any provisions thereof not so inconsistent shall remain in force, and shall apply to the Line of Railway hereby authorized, and to the Great Western Railway Company, and the Directors, officers and agents thereof

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

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5th WILLIAM IV., CAP. 19.

AN ACT

To incorporate certain persons therein mentioned, under the Name and Style of the Erie and Ontario Rail Road Company.

[PASSED 16th April, 1835.]

Preamble.

WHEREAS THOMAS Clark, Humphrey J. Tench, David Thorburn, John Hamilton, Malcolm Laing, Samuel Street, James Gordon, Alexander Hamilton, James Cummings, Robert Grant, and others of the District of Niagara, have, by Petition, prayed to be Incorporated as a Joint Stock Company for the purpose of constructing a double or single Iron or Wooden Rail Road or Way, commencing at the river Welland, at any point, and extending to the Niagara River, at or below Queenston, with the privilege of extending the same to Lake Erie or Ontario, or both, at any future period: *And whereas* it is expedient to Incorporate the said Petitioners, for the purposes herein before mentioned: *Be it therefore enacted* by the King's Most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That the said Thomas Clark, Humphrey J. Tench, David Thorburn, John Hamilton, Malcolm Laing, Samuel Street, James Gordon, Alexander Hamilton, James Cummings, Robert Grant, together with all such other persons as shall become Stockholders in such Joint Stock or Capital, as is hereinafter mentioned, shall be and are hereby ordained, constituted, and declared to be a Body Corporate and Politic, in fact, by and under the name and style of the Erie and Ontario Railroad Company, and by that name they and their successors shall and may have continued succession, and by

Incorporation.

such name shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded, answering and being answered unto, in all Courts and places whatsoever, in all manner of actions, suits, complaints, matters and concerns whatsoever; and they and their successors may and shall have a Common Seal, and may alter the same at their will and pleasure; and also, that they and their successors by the same name of the Erie and Ontario Rail Road Company, shall be by Law capable of purchasing, having and holding, to them and their successors, any Estate, real, personal or mixed, to and for the use of the said Company, and of letting, conveying, and otherwise departing therewith, for the benefit and on account of the said Company, from time to time, as they shall deem necessary and expedient: *Provided always, nevertheless*, that the Real Estate to be held by the said Company, shall be only such as shall be required to be held by them for the purpose of making, using and preserving the said Rail Road, and for objects immediately connected therewith.

Common
Seal.

Power to
hold lands.

II. And be it further enacted by the authority aforesaid, That the said Company and their Agents or Servants shall have full power under this Act to lay out, construct, make and finish, a double or single Iron or Wooden Rail Road or Way, at their own costs and charges, on and over any part of the Country lying between the River Welland and the Niagara River, at or below Queenston; and to take, carry and transport thereon, Passengers, Goods and Property, either in Carriages used and propelled by the force of Steam or by the power of Animals, or by any Mechanical or other power, or by any combination of power which the said Company may choose to employ; and that the said Company shall in like manner and for the like purposes, have power to make and use a double or single Rail Road or Way of Iron or wood, to lead from the River Welland to Lake Erie, or to the Niagara River below Lake Erie, and also to continue their Rail Road or Way from Queenston to Lake Ontario, if they shall undertake and contract for the making of the said last mentioned Rail Road before any other Company shall be chartered by the Legislature for that purpose.

Authority to
construct
Railroad.

III. And be it further enacted by the authority aforesaid, That the Company are hereby empowered to contract, compound, compromise and agree with the owners or occupiers of any lands upon which they may determine to construct the said Rail Road; either by purchase of so much of the said land as

To purchase
lands.

under the
Rail Road

April, 1835.]

David Thor-
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Petition,
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months,

they shall require for the purposes of the said Company, or for the damages which he, she or they shall and may be entitled to receive of the said Company, in consequence of the said intended Rail Road being made and constructed in and upon his, her or their respective lands; and in case of any disagreement between the said Company and the owner or owners, occupier or occupiers as aforesaid, it shall and may be lawful, from time to time, for each owner or occupier so disagreeing with the said Company, either upon the value of the lands and tenements or private privileges proposed to be purchased, or upon the amount of damages to be paid to them as aforesaid, to nominate and appoint one or more indifferent person or persons, and for the said Company to nominate an equal number of indifferent persons, who, together with one other person to be elected by ballot by the the persons so named, shall be Arbitrators to award, determine, adjudge and order the respective sums of money which the said Company shall pay to the respective persons entitled to receive the same; the award of the majority of whom shall be final; and the said Arbitrators shall be and are hereby required to attend at some convenient place in the vicinity of the said intended Rail Road, to be appointed by the said Company, after eight days notice given them for that purpose by the said Company, then and there to arbitrate, award, adjudge and determine such matters and things as shall be submitted to their consideration by the parties interested; and that each Arbitrator shall be sworn before some one of His Majesty's Justices of the Peace in and for the said District, any of whom may be required to attend the said meeting for that purpose, well and truly to assess the damages between the parties according to the best of his judgment: *Provided always*, that any award made under this Act shall be subject to be set aside on application to the Court of King's Bench, in the same manner and on the same grounds as in ordinary cases of submission by the parties, in which case a reference may be again made to Arbitration as hereinbefore provided.

IV. And be it further enacted by the authority aforesaid, That whatever sum of money may be finally awarded to any person or persons for compensation for property required to be occupied, or for damages occasioned by the interference of the said Company with his or their property, rights or privileges, shall be paid within three months from the time of the same being awarded, and in case the said Company shall fail to pay the same within that period, then their right to assume any

such property, or commit any act in respect of which such sum of money was awarded, shall wholly cease, and it shall be lawful for the proprietor to resume his occupation of such property, and to possess fully his rights and privileges in respect thereof, free from any claim or interference of the said Company.

Or owner
may resume
the property.

V. And be it further enacted by the authority aforesaid, That the said Erie and Ontario Rail Road Company shall have full power and authority to explore the country lying between the River Welland in the District of Niagara, and Lake Ontario, and between the said River Welland and Lake Erie, and to designate and establish, and for the said Company to take, appropriate, have and hold, to and for the use of them and their successors, the line and boundaries of a double or single Rail Road, with their necessary Rail-ways and Side-walks, the one to connect the River Welland with Lake Ontario, and the other to connect the River Welland with Lake Erie, on or near the route laid down in the plan surveyed by Mr. Jarvis, Civil Engineer, and accompanying his Report; and for the purposes aforesaid, the said Company and their Agents, Servants and Workmen, are hereby authorized and empowered to enter into and upon the lands and grounds of or belonging to the King's Majesty, His Heirs or Successors, or to any other person or persons, Bodies Politic or Corporate, and to survey and take levels of the same, or any part thereof, and to set out and ascertain such parts thereof as they shall think necessary and proper for making the said double or single Rail Road, and all such matters and conveniencies as they shall think proper and necessary for making, effecting, preserving, improving, completing and using, on the said intended Rail Road; and also to make, build, erect, and set up in and upon the route of the said Rail Road, or upon the lands adjoining or near the same, all such works, ways, roads and conveniencies as the said Company shall think requisite and convenient for the purposes of the said Rail Road; and also, from time to time, to alter, repair, amend, widen or enlarge the same, or any other of the conveniencies above mentioned, as well for carrying or conveying goods, commodities, timber and other things, to and from the said Rail Road, as for the carrying or conveying of all manner of materials necessary for making, erecting, furnishing, altering, repairing, amending, widening, or enlarging the works of and belonging to the said Rail Road; and also place, lay, work and manufacture the said materials on the grounds near to the place or places where the said works, or any of them, are or shall be intended to be made, erected, re-

Authority to
explore and
take levels.

To erect
works.

paired or done, and to build and construct the several works and erections belonging thereto; and also to make, maintain, repair and alter any fences or passages under or through the said Rail Road, or which shall communicate therewith; and to construct, erect and keep in repair any piers, arches, or other works, in and upon and across any rivers or brooks for making, using, maintaining and repairing the said Railroad and side paths; and also to construct, make and do all other matters and things which they shall think necessary and convenient for the making, effecting, preserving, improving, completing and using the said Rail Road in pursuance and within *the true meaning* of this Act, they the said Company doing as little damage as may be in the execution of the several powers to them hereby granted, and making satisfaction in manner herein mentioned for all damages to be sustained, by the owner or occupier of such lands, tenements, or hereditaments.

President
and Direct-
ors to estab-
lish Tolls.

VI. And be it further enacted by the authority aforesaid, 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 transportation of property or persons on the single or double Railroad or way aforesaid, hereby authorized to be constructed, erected, built, made, and used,

Railroad to
be vested in
the Com-
pany.

VII. And be it further enacted by the authority aforesaid, That the said double or single Railroad or way, and all materials which shall be from time to time got or provided for constructing, building, maintaining or repairing the same, and the said tolls on goods, wares or merchandize, or passengers, as hereinbefore mentioned, shall be and the same are hereby vested in the said Company and their successors, for ever.

Tolls when
payable.

VIII. And be it further enacted by the authority aforesaid, That so soon as the said double or single iron or wooden Railroad or way shall be so far completed as to be capable of being used for the transportation of property or passengers, the said Company shall have full power and authority to ask for, demand, receive, recover and take the tolls and dues, to and for their own proper use and benefit, on all goods, merchandize, and passengers, using or occupying the said double or single iron or wooden Railroad or way, or any other convenience, erection or improvement, built, occupied or owned by the said Company, to be used therewith; and shall have power to

regulate the time and manner in which goods and passengers shall be transported, taken and carried, on the same, as well as the manner of collecting all tolls and dues on account of transportation and carriage, and shall have power to erect and maintain such toll-houses and other buildings for the accommodation and proper transaction of their business as to them may seem necessary.

IX. And be it further enacted by the authority aforesaid, That whenever it shall be necessary for the construction of their single or double Railroad or way to intersect or cross any stream of water or water-course, or any road or highway lying on the route of the said Railway, between Lakes Erie and Ontario as aforesaid, it shall be lawful for the Corporation to construct their single or double Railroad or way across or upon the same: Provided that the Corporation shall restore the stream or water-courses, or road or highway, thus intersected, to its former state, or in a sufficient manner not to impair its usefulness; and shall moreover erect and maintain, during the continuation of this Corporation, sufficient fences upon the line of the route of their single or double Railroad or way.

Water
Courses not
to be ob-
structed.

X. And be it further enacted by the authority aforesaid, That if any persons or persons shall wilfully do, or cause to be done, any act or acts whatever whereby any building, construction, or work of the said Corporation, or any engine, machine, or structure, or any matter or thing appertaining to the same shall be stopped, obstructed, impaired, weakened, injured, or destroyed, the person or persons so offending shall forfeit and pay to the said Corporation double the amount of damages sustained by means of such offence or injury, to be recovered in the name of the said Corporation, with costs of suit, by action of debt to be brought in any Court of record in this Province.

Injuries to
the property
how punish-
able.

XI. And be it further enacted by the authority aforesaid, That the property, affairs, and concerns of the said Company shall be managed and conducted by seven Directors, one of whom shall be chosen President, who shall hold their office for one year, which said Directors shall be stockholders, to the amount of at least four shares, and be elected on the first Monday in June in every year, at Stamford, at such time of the day as a majority of the Directors for the time being shall appoint; and public notice thereof shall be given in any newspaper or newspapers that may be published in the said District of Niagara, at least thirty days

Affairs of the
Company
to be man-
aged by
seven Direc-
tors.

Time and
mode of elec-
tion.

previous to the time of holding the said election; and the said election shall be held and made by such of the stockholders of the said Company as shall attend for that purpose in their own persons, or by proxy; and all elections for such Directors shall be by ballot; and the seven persons who shall have the greatest number of votes at any election shall be Directors; and if it shall happen at any such election that two or more have an equal number of votes, in such manner that a greater number of persons than seven shall, by a plurality of votes, appear to be chosen Directors, then the said stockholders hereinbefore authorized to hold such election shall proceed to elect by ballot until it is determined which of the said persons so having an equal number of votes shall be Director or Directors, so as to complete the whole number of seven; and the said Directors so chosen, so soon as may be after the said election, shall proceed in like manner to elect by ballot one of their number to be President; and if any vacancy or vacancies shall at any time happen among the Directors, by death, resignation, or removal from the Province, such vacancy or vacancies shall be filled for the remainder of the year in which they may happen, by a person or persons to be nominated by a majority of the Directors.

Vacancies
how sup-
plied.

Number of
votes.

XII. And be it further enacted by the authority aforesaid, That each Stockholder shall be entitled to the number of votes proportioned to the number of shares which he or she shall have held in his or her own name at least one month prior to the time of voting, according to the following rates, that is to say : one vote for each share, not exceeding four ; five votes for six shares ; six votes for eight shares ; seven votes for ten shares ; and one vote for every five shares over ten.

Corporation
not dissolved
by Directors
not being
elect: in
the day pre-
scribed.

XIII. And be it further enacted by the authority aforesaid, That in case it should at any time happen that an election of Directors should not be made on any day when pursuant to this Act it ought to have been made, the said Corporation shall not for that cause be deemed to be dissolved ; but it shall and may be lawful on any day, to hold and make an election of Directors, in such manner as shall have been regulated by the By-laws and Ordinances of the said Corporation.

Directors
may make
by-laws.

XIV. And be it further enacted by the authority aforesaid, That the Directors for the time being, or a major part of them, shall have power to make and subscribe such Rules and Regu-

lations as to them shall appear needful and proper, touching the management and disposition of the stock, property, estate and effects, of the said Corporation, and touching the duty of the officers, clerks and servants, and all such other matters as appertain to the business of the said Corporation : and shall also have power to appoint as many officers, clerks and servants, for the carrying on the said business, with such salaries and allowances as to them shall seem fit.

XV. And be it further enacted by the authority aforesaid, That on the fourth Monday after the passing of this Act, a meeting of the stockholders shall be held at Stamford, who in the same manner as hereinbefore provided, shall proceed to elect seven persons to be Directors, who shall elect by ballot one of their number to be their President, and shall continue in such office until the first Monday in June next after their election, and who, during such continuance shall discharge the duties of Directors in the same manner as if they had been elected at the annual Election : Provided always, that if shares to the amount of ten thousand pounds of the capital stock of the said Company shall not be taken then the said meeting shall not be held until the amount of stock shall have been taken up, and at least thirty days' notice thereof given in any paper or papers published in the said District of Niagara.

First meeting of Stockholders.

XVI. And be it further enacted by the authority aforesaid, That the whole Capital Stock of the said Company, inclusive of any real estate which the said Company may have or hold by virtue of this Act, shall not exceed in value seventy-five thousand pounds, with a privilege to the said Company of extending the amount of such Capital to the sum of one hundred and fifty thousand pounds, in the event of the extension of the works as aforesaid to Lakes Erie and Ontario, and that such capital or stock of seventy-five thousand pounds, or one hundred and fifty thousand pounds, (if increased,) be held in six thousand or twelve thousand shares of twelve pounds and ten shillings each, and that the shares of the Capital Stock may, after the first instalment thereon shall have been paid, be transferred by the respective persons subscribing and holding the same to any other person or persons, and such transfer shall be entered or registered in a book or books, to be kept for that purpose by the said Company : Provided always, that nothing herein contained shall extend to authorize the said Company to carry on the business of Banking.

Capital not to exceed £75,000.

Power of extending capital.

Number and value of shares.

Proviso against banking.

Directors
may call for
\$10 per cent.

XVII. And be it further enacted by the authority aforesaid, That so soon as Directors have been appointed as aforesaid, it shall and may be lawful for them to call upon the Stockholders of the said Company, by giving thirty days' notice thereof in any paper or papers published in the said District of Niagara, for an instalment of ten per cent. upon each share which they or any of them may respectively subscribe, and that the residue of the sum or shares of the stockholders shall be payable by instalments in such time and in such proportions as a majority of the stockholders at a meeting to be expressly convened for that purpose shall agree upon, so as no such instalments shall exceed ten per cent., nor become payable in less than thirty days after public notice in the paper or papers as aforesaid: Provided always, that the said Directors shall not commence the construction of the said Rail Road or Way until the first instalment shall be paid in.

Forfeiture of
shares.

XVIII. And be it further enacted by the authority aforesaid, That if any stockholder or stockholders as aforesaid shall refuse or neglect to pay, at the time required, any such instalment or instalments as shall be lawfully required by the Directors, as due upon any share or shares, such stockholder or stockholders so refusing or neglecting shall forfeit such share or shares as aforesaid, with any amount which shall have previously been paid thereon, and that the said share or shares may be sold by the said Directors, and the sum arising therefrom, together with the amount previously paid thereon, shall be accounted for and applied in like manner as other moneys of the said Company: Provided always, that the purchaser or purchasers shall pay the said Company the amount of the instalment required, over and above the purchase money of the share or shares so purchased by him her or them as aforesaid, immediately after the sale and before they shall be entitled to the certificate of the transfer of such shares so purchased as aforesaid: Provided always, that thirty days' notice of the sale of such forfeited shares shall be given in any newspaper or newspapers published in the District of Niagara, and that the instalments due may be received in redemption of any such forfeited share, at any time before the day appointed for the sale thereof.

Notice of
sale.

Annual divi-
dends.

XIX. And be it further enacted by the authority aforesaid, That it shall be the duty of the Directors to make annual dividends of so much of the profits of the said Company, as to them or the majority of them shall seem advisable, and that once

in each year an exact and particular statement shall be rendered of the state of their affairs, debts, credits, profits and losses, such statement to appear on the Books and to be open to the perusal of any Stockholder at his or her reasonable request.

XX. And be it further enacted by the authority aforesaid, That this Act shall be deemed and taken to be a public Act, and as such shall be judicially noticed by all Judges, Justices of the Peace and other persons, without being specially pleaded.

Public Act.

XXI. And be it further enacted by the authority aforesaid, That at any time after fifty years after making and completing the said Rail Road or Way, His Majesty, His Heirs and Successors, may assume the possession and property of the same, and of all and every the work and dependencies thereto belonging, upon paying to the said Company, for the use of the Stockholders thereof, the full amount of their respective Shares, or of the sums furnished and advanced by each Subscriber towards the making and completing the said double or single Iron or Wooden Rail Road or Way, together with such further sum as will amount to twenty-five per cent. upon the moneys so advanced and paid, as a full indemnification to such Company; and the said double or single Iron or Wooden Rail Road or Way shall, from the time of such assumption in manner aforesaid, appertain and belong to His Majesty, his heirs and successors, who shall from thenceforth be substituted in the place and stead of the said Company, upon the conditions and subject to the provisions of any Act of the Legislature of this Province that may be passed respecting the same: Provided always, that it shall not be lawful for His Majesty, his heirs or successors, at any time after the expiration of the said fifty years, to assume the possession and property of the said Rail Road or Way, with their appurtenances as aforesaid, unless it shall appear from the accounts of the said Company, to be for that intent laid before the Legislature, that the stockholders of the said Company have received every year upon an average the sum of twelve pounds ten shillings for every hundred pounds they shall be possessed of in the said concern.

After 50 years His Majesty may assume the property.

Conditions.

XXII. And be it further enacted by the authority aforesaid, That from and after the period when the possession of the right, interest and property in and to the said double or single Iron or Wooden Rail Road or Way shall have been assumed by His Majesty, his heirs and successors, as hereinbefore authorized, all tolls and profits arising therefrom shall be paid into the hands

Future Tolls to be payable to the Receiver General.

Commence-
ment of the
works.

of His Majesty's Receiver General to and for the public use of this Province at the disposal of the Legislature thereof, and shall be accounted for to His Majesty, his heirs and successors, through the Lords Commissioners of His Majesty's Treasury, in such manner and form as His Majesty, His Heirs and Successors, shall be graciously pleased to direct: Provided always that the said double or single Iron or Wooden Rail Road or Way between the Welland river and the river Niagara, at or below Queenston, shall be commenced within one year and completed within five years after the passing of this Act, otherwise this Act and every matter and thing herein contained shall cease, and be utterly null and void; and that nothing in this Act contained shall extend to prevent the Legislature from granting a Charter at any time hereafter to any Company or Companies for constructing any Rail Road or Way in any other part of the country between the Lakes Erie and Ontario, so as the same shall not impede the completion of any Railroad or Way actually begun and in progress under the direction of the Company hereby incorporated, within three years after the passing of this Act.

Company
not to inter-
fere with the
navigation
of the Wel-
land.

XXIII. And be it further enacted by the authority aforesaid, That this Act shall not be construed to give any power to the said Company to erect ways or works of any description upon or over the river Welland, so as to interfere in any manner with the free use and navigation thereof.

Alteration of
this Act.

XXIV. And be it further enacted by the authority aforesaid, That notwithstanding the privileges hereby conferred, the Legislature may at any time hereafter make such addition to this Act, or such alteration of any of its provisions as they may think proper, for affording just protection to the public, or to any person or persons, body politic and corporate, in respect to their estate, property or rights, or any interest therein, or any advantage, privilege or convenience connected therewith, or in respect to any way or right of way, public or private, that may be affected by any of the powers given by this Act.

Limitation of
actions.

XXV. And be it further enacted by the authority aforesaid, That if any action or suit shall be brought against any person or persons for any matter or thing done in pursuance of this Act, such action or suit shall be brought within six calendar months next after the fact committed and not afterwards, and that the defendant or defendants in such action or suit, may plead the general issue only, and give this Act and the special matter in evidence on the trial.

General is-
sue.

XXVI. And be it further enacted by the authority aforesaid, That it shall not be lawful for the said Company, their Agents and Servants, or any of them, at any time or times to enter into and upon, have, hold, use, or enjoy, for the purposes of this Act, or for any other purpose, any part or parts of the lands or grounds of or belonging to the King's Majesty, and which have been at any time heretofore specially set apart and reserved, or which are designated or commonly known as Crown Lands, or Lands reserved for Military purposes, without the license and consent of His said Majesty, his heirs or successors, for such purpose being first had and obtained, signified under the hand and seal of the Governor, Lieutenant Governor, or person Administering the Government of this Province for the time being, any thing in this Act to the contrary notwithstanding.

Company
not to enter
on Crown
Reserves
without li-
cense from
the Gover-
nor, &c.

16TH VICTORIA, CAP. 50.

AN ACT

To amend the Charter of the Erie and Ontario Railroad Company.

[PASSED 10th November, 1852.]

Preamble.

Act of U. G.
5 W. 4, c. 19.

The Company
may vary
the line of
their road
so as to pass
through or
near certain
places.

WHEREAS the Erie and Ontario Railroad Company have by their Petition prayed that the Act passed by the Legislature of the late Province of Upper Canada, in the fifth year of the Reign of His late Majesty King William the Fourth, intituled, *An Act to incorporate certain persons therein mentioned under the name and title of the Erie and Ontario Railroad Company*, may be amended, so as to empower the said Company in their discretion to alter the route of their present road, and to extend the same to the Niagara River at or near the Town of Niagara, and to increase the Capital Stock of the said Company and for other purposes; And whereas it is desirable that the prayer of the said Petition should be granted: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That for and notwithstanding any thing in the said Act or any other Act of the Parliament of this Province contained, it shall and may be lawful for the said Company and they are hereby authorized to vary or alter in their discretion the line or route of their present road in any part thereof and to pass by or near the Niagara Falls' Suspension Bridge, and thence to the Queenston Mountain at the ravine leading to St. Davids, or at such other point as they may deem most

advisable, and thence to continue the said road in a direct course or such other course as they may see proper, to the said Niagara River, at or near the said Town of Niagara, and to extend one or more branches thereof from such point or points on their said road as they may deem advisable, to the said Suspension Bridge, to the Clifton House, and to the Village of Queenston, if they deem it expedient; and they are hereby given and granted the same rights and powers to enter into, survey and procure title to the lands required for the purposes of the said Company, as regards such altered or changed route of the said road, as well as in respect to the extension of the same, as are provided for in and by the original Charter of the said Company in relation to entering upon, surveying and procuring title to lands generally for the purposes of the said Company.

II. And be it enacted, That notwithstanding as aforesaid, the whole Capital Stock of the said Company, exclusive of any real estate which the said Company may have or hold by virtue of the said recited Act or of this Act, shall not exceed the sum of one hundred and fifty thousand pounds, with a privilege to the said Company of extending the amount of said Capital to the amount of two hundred and twenty-five thousand pounds, in the event of the extension of the works to Lake Erie, as provided for in and by the original Charter; and that such Capital or Stock of one hundred and fifty thousand pounds, or two hundred and twenty-five thousand pounds (if increased) be held in twelve thousand or eighteen thousand shares of twelve pounds ten shillings each, and such share shall be deemed personal property, and may, after the first instalment thereon shall have been paid, be transferred by the respective persons, bodies corporate or politic holding the same, to any person or persons, and such transfer or transfers shall be entered and registered in a book or books to be kept for that purpose by the said Company.

III. And be it enacted, That the election of Directors for the said Company shall be held at the time and place and on the notice prescribed by the Act incorporating the said Company, but at each election of Directors held after the passing of this Act, each Stockholder shall be entitled to the number of votes proportioned to the number of shares of Stock which shall stand in his or her name at the time of holding

Capital of
the Company
increased.

Further in-
crease au-
thorised.

Amount of
each share;
shares to be
personalty,
and trans-
ferable.

Proportion
of votes to
shares.

Railroad

r, 1852.

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Proviso:
First electi'n
of Directors.

such election, any thing in the original Charter of the said Company to the contrary notwithstanding; Provided always, and it is hereby enacted, That the first election of Directors to be held after the passing of this Act, shall take place so soon as three thousand shares of the Capital Stock of the said Company shall have been subscribed and the first instalment paid thereon, and that from and after such first election the now Directors of the said Company, or the Directors for the time being elected under the original Charter, shall be immediately superseded, and their powers and authority cease and determine, and the same shall thenceforth be exercised only by the Directors elected under this Act; Provided nevertheless, that the same notice shall be given of such last mentioned election of Directors as is required to be given in and by the original Charter.

Proviso.

Company
may con-
tract with
any Bridge
Company, or
keep vessels
of their own,
for certain
purposes.

IV. And be it enacted, That the said Company shall have power to contract or agree with any Bridge Company to transport passengers and freight across, and to and from the said Niagara River at any point between Lake Ontario and the South Western terminus of their said road, and to pay such compensation therefor as they may think proper, and to construct, own or employ, at the cost and charge of the said road, a steamboat or steamboats for the transportation of passengers and freight from the termini of the road of the said Company to any point or points on the Niagara River or Lake Erie or Lake Ontario, that the Directors may deem expedient for the purpose of connecting with their said road.

Company
may borrow
money, and
issue Debentures,
pledge
their property,
&c.

V. And be it enacted, That it shall be lawful for the said Company, from time to time, either in this Province or elsewhere, to borrow such sums of money as may be expedient for completing, maintaining and working the said Railway, and at a rate of interest not exceeding six per cent. per annum, and to make the Bonds, Debentures or other securities granted for the sums so borrowed, payable either in Currency or in Sterling, and at such place or places within this Province or without as may be deemed advisable, and to sell the same at such prices or discount as may be deemed expedient or as shall be necessary, and to hypothecate, mortgage, or pledge the lands, titles, revenues and other property of the Company for the due payment of the said sums and the interest thereof; but no such Debenture

shall be for a less sum than Twenty-five pounds; and the Directors of the said Company may confer upon the holders of any such Bond, Debenture or other security issued by the Company as aforesaid, the right to convert the principal due or owing thereon into Stock of the said Company at any time not exceeding ten years from the date thereof under such regulations and on such conditions as the said Directors may see fit to adopt or impose.

VI. And be it enacted, That it shall be lawful for the said Company to cross, intersect, join and unite their Railway with any other Railway at any point on its route or branches, and upon the lands of such other Railway with the necessary conveniences for the purposes of such connection; and the owners of both Railways shall unite in forming such intersection, and grant the facilities therefor; and in case of disagreement upon the amount of compensation to be made therefor, or upon the point or manner of such crossing and connection, the same shall be determined by Arbitrators in the manner provided for by the original Charter, in respect to ascertaining and determining the value of lands taken by the said Company for the purposes of the said road; and the said Company have hereby full power and authority to carry their said road along and upon any road allowance or existing highway, provided they shall obtain the consent of the proper Municipal authority therefor, and shall leave an open and good passage for carriages thereon; Provided always, nevertheless, that it shall be lawful for the said Company merely to cross the said road allowance or highway in the line of their Railway without the necessity of obtaining any such consent as aforesaid.

Company may form a Junction with the Railway of any other Company: terms to be fixed by agreement or arbitration.

Proviso.

VII. And be it enacted, That every Shareholder in the said Company, whether a British Subject or Alien, or a resident in Canada or elsewhere, has and shall have equal right to hold Stock in the said Company, to vote on the same, and to be eligible to office in the same Company.

Aliens may vote and hold office in the Company

VIII. And be it enacted, That it shall be lawful for any Municipal Corporation within whose jurisdiction the said Railroad, or any part of it may be made, to subscribe and hold such amount of shares on the said Capital Stock of the said Company as they may deem expedient; or they may lend their assistance by loaning money to such Company, or

Certain Municipal Corporations may subscribe for stock, or otherwise assist the Company.

How such
stock shall
be represented.

in any other manner that to them may seem meet, in aid of making, constructing or completing the said Railroad or any part thereof, subject always and in conformity with such Laws as are now in force or may be passed during the present Session of Parliament, respecting the terms and conditions on which Municipalities may take Stock in or make loans in behalf of any undertaking or work to be carried on in this Province; and the Stock so subscribed by such Municipal Corporation shall be represented by the Mayor, Warden or Reeve for the time being of such Municipal Corporation, or by such person as said Municipal Corporation may appoint for that purpose, and such Mayor, Warden, Reeve or person so appointed as aforesaid, shall be *ex-officio* a Director of the said Company in addition to the Directors now by Law authorized to be elected, but such Municipal Corporation being represented by an Officer *ex-officio*, shall not be entitled to vote at any election of Directors in respect to the Stock subscribed for or held by such Municipal Corporation, but at all other Meetings of the said Company the said Mayor, Warden, Reeve or person so appointed as aforesaid, shall be entitled to vote in like manner and to the same extent as any other Director of the said Company; any law or usage to the contrary thereof notwithstanding.

Company
may hold
certain Real
Estate.

IX. And be it enacted, That in addition to the Real Estate which the said Railroad Company is now by Law authorized to hold, it shall also be entitled to have and hold all such Real Estate as may be necessary for Wharves, Docks, Warehouses, Engine Houses and Workshops, at the terminus on the Niagara River and Lakes Erie and Ontario, and at the River Welland.

Inconsistent
enactments
repealed.

X. And be it enacted, That all enactments in the original Charter of the said Company, and all Acts or laws inconsistent with the provisions of this Act, shall be and the same are hereby repealed, but in so far only as the same apply or may be held to apply to any thing provided for in this Act.

Effect of
Sale of the
Road or
Stock.

XI. And be it enacted, That any Sale or Sales of the Railroad or the Stock therein heretofore or hereafter *bona fide* made, to satisfy any *bona fide* debt or debts due by the said Company, shall vest the ownership thereof in the *bona fide* purchaser or purchasers thereof, together with all and

singular the property, privileges and appurtenances thereunto belonging; Provided that any such Sale or Sales made or to be made, shall not be held to extinguish any legal debt or debts due and owing by the said Company, but the rights of all creditors of the said Company shall be and are hereby declared to be preserved to them, to the same extent and in like manner as they existed prior to the passing of this Act.

XII. And be it enacted, That all or any Steamboat or Steamboats, Schooner or Schooners and all other Craft, shall have full liberty to touch at, moor to, and use the wharves and docks of the said Company, at all reasonable times, upon payment of the usual rates or charges fixed or to be fixed by the said Company therefor.

Craft may use Company's wharves paying the Tolls.

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16TH VICTORIA, CAP. 136

AN ACT

To incorporate The Port Dalhousie and Thorold Railway Company.

[PASSED 23rd May, 1853.]

Preamble.

WHEREAS the construction of a Railway connecting Port Dalhousie, on Lake Ontario, and Thorold, with the Great Western Railway, at or near the Welland Canal, must conduce greatly to the welfare of the inhabitants residing on the line of such Railway and in the surrounding country ; And whereas the Honorable John Sandfield Macdonald, the Honorable William Hamilton Merritt, George S. Tiffany, George K. Smith, William Mattice, James McDonell and John P. Roblin, have prayed to be incorporated with the powers requisite for making and maintaining such Railway : Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of [the same, That the said Honorable John Sandfield Macdonald, the Honorable William Hamilton Merritt, George S. Tiffany, George K. Smith, William Mattice, James McDonell and John P. Roblin, together with such person or persons, Corporations and Municipalities as shall, under the provisions of this Act, become Shareholders in such Company as is hereinafter mentioned, shall be and are hereby ordained, constituted and declared to be a body corporate and politic, in fact, by and under the name and style of *The Port Dalhousie and Thorold Railway Company*.

Certain persons incorporated.

Corporate name.

II. And be it enacted, That the several Clauses of "The Railway Clauses Consolidation Act," with respect to the first, 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 prosecutions," "Working of the Railway" and "General Provisions," shall be incorporated with this Act, and shall be included by the expression, "this Act," whenever used herein.

Certain clauses of 14 & 15 V. c. 51, incorporated with this Act.

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 and finish a double or single iron Railway or Road at their own cost and charges, on and over any part of the Country lying between Port Dalhousie and the Village of Thorold.

Line of Railway.

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 as far as the title to the said lands or the circumstances of the party making such conveyances will 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, on the production thereof and proof of execution, without any memorial, and to minute every such entry on the deed; and the said Company shall pay to the said Registrar for so doing, the sum of Two Shillings and Six Pence, and no more.

Form of conveyances to Company.

Registration

Fee.

V. And be it enacted, That the Capital Stock of the Company shall be Seventy-Five Thousand Pounds currency, to be divided into three thousand shares of Twenty-five 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 of the said Railway and connected therewith, and

Capital 275,000.

Shares 2300 each.

Application of capital.

Railway
1853.]

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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 out of the Capital Stock thereof, it shall be lawful for the Municipality of any Town, Village 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 shall be refunded to such Municipality from the Stock of the said Company, or be allowed to them in payment of Stock.

First General Meeting and Election of Directors.

VI. And be it enacted, That within one month after this Act shall be passed, a General Meeting of the Shareholders shall be held at the Town of St. Catherines, for the purpose of putting this Act into effect, which meeting shall be called by the Mayor of the said Town, ten days' public notice thereof being given by being published in the newspapers of the said Town of St. Catherines, at which said General meeting the Shareholders present having paid five per cent. on their Stock subscribed shall, either in person or by proxy, choose five Directors in the 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 first Annual General Meeting for the election of Directors, and until others are elected in their stead.

Term of Office.

Annual General Meetings.

Notice.

Ballot.

Fees.

Vacancies.

VII. And be it enacted, That on the second Monday in June in each year, at the Town of St. Catherines, at the office of the Company, there shall be chosen by the Shareholders, five Directors in the manner hereinafter directed; and public notice of such Annual Election shall be published one month before the day of the election in any newspaper published in the Town of St. Catherines; and all elections for Directors shall be by ballot, and the persons who shall have the greatest number of votes at any election shall be Directors; and if it shall happen that two or more shall have an equal number of votes, the Shareholders shall determine the election by another or other votes until a choice is made; and if a vacancy shall at any time happen among the Directors by death, resignation, or removal from the Province, such vacancy shall be filled for the remainder of

the year by a majority of the Directors; and that the said five Directors with the said *ex-officio* Directors, shall form a Board of Directors.

VIII. And be it enacted, That the number of Directors which shall form a *quorum* for the transaction of business, may be regulated by the By-laws of the Company; and until such By-law shall be passed, a majority of the Directors shall form such *quorum*: Provided, that the Directors may employ one of their number as paid Director.

Quorum of Directors.

Proviso.

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

Qualification of Directors.

X. And be it enacted, That no call of money from the Shareholders shall exceed ten per cent. on the amount of their shares.

XI. And be it enacted, That each Shareholder in his own right shall be entitled to a number of votes equal to the number of shares which he shall have in his name two weeks prior to the time of voting.

One vote for each share.

XII. And be it enacted, That it shall be lawful for the Directors (if authorized by any General Meeting of the Shareholders to be called for the purpose,) to enter into and make any arrangement with the Directors of any Railway Company now or hereafter to be chartered in any part of the Province, for the union, junction and amalgamation of the said Company with such other Railway Company, or for the purchase of the Railway of such other Company by mutual agreement with such Company; and the Capital Stock of any Companies so united shall become the Capital Stock of the Company formed by their union, and be controlled and managed as such, independently of all other increase of Stock authorized by this Act.

Company may amalgamate with other Companies.

Capital united.

XIII. And be it enacted, That it may and shall be lawful for the said Company to cross, intersect, join and unite the said Railway with any other Railroad or Railway, with the consent of the Directors of such Railway, at any point on its route, and upon the lands of such other Railway or Railroad, with the necessary conveniences for the purpose of

Company may intersect &c. any Railway.

such connection, and the owners of both Railways may unite in forming such intersection and in granting the facilities therefor.

Company
may agree
with Niagara
Railway
Bridge
Company.

XIV. And be it enacted, That the said Company shall have power to contract or agree with any Bridge or Railway Company to transport passengers and freight across and to and from the Niagara River, and to any point on Lake Erie; and to construct, own, or employ, at the cost and charge of the said Company, a steamboat or steamboats for the transportation of passengers and freight from the terminus of their Railway at Port Dalhousie, to any point on Lake Ontario.

Company
may become
parties to
Bills, Notes,
&c. and how.

XV. And be it enacted, That the said Company shall have power to become parties to Promissory Notes and Bills of Exchange for sums not less than Twenty-five Pounds, and any such Promissory Note made or endorsed, and any such Bill of Exchange drawn, accepted or endorsed by the President of the Company, or Vice-President, and countersigned by the Secretary and Treasurer, and under the authority of a majority of a quorum of the Directors, shall be binding upon the said Company; and every such Promissory Note or Bill of Exchange so made, drawn, accepted or endorsed by the President or Vice-President of the said Company, and countersigned by the Secretary and Treasurer as such, after the passing of this Act, shall be presumed to have been properly made, drawn and accepted or endorsed, as the case may be, for the Company, until the contrary be shewn; and in no case shall it be necessary to have the Seal of the Company affixed to any such Bill of Exchange or Promissory Note, nor shall the President, Vice-President or the Secretary and Treasurer of the Company so making, drawing, accepting or endorsing any such Promissory Note or Bill of Exchange, be thereby subjected individually to any liability whatever; Provided always, that nothing in this Section shall be construed to authorize the said Company to issue any Note payable to Bearer, or any Promissory Note intended to be circulated as money or as the Notes of a Bank.

Provido.

Aliens may
vote and be
elected.

XVI. And be it enacted, That any Shareholder in the said Company, whether a British subject or alien, or a resident in Canada or elsewhere, shall have equal rights to hold Stock

in said Company, to vote on the same, and be eligible to office in the said Company.

XVII. And be it enacted, That the Gauge of the said Gauge. Railway shall not be broader or narrower than five feet six inches.

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

SCHEDULE A.

Know all men by these presents that I, _____ of _____
 (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 Port Dalhousie and Thorold Rail-*
way Company, the receipt whereof is hereby acknowledged,
 grant, bargain, sell, convey and confirm unto the said *Port*
Dalhousie and Thorold 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 Rail-
 way, to have and hold the said land and premises together
 with the hereditaments and appurtenances thereto the said
Port Dalhousie and Thorold Railway Company, their suc-
 cessors and assigns for ever; (*if there be Dower to be released,*
add,) "and I, (*name of wife*) hereby release my Dower on
 the premises."

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

Signed, sealed and delivered

in presence of

(*And if the wife join*)

A. B. [L. s.]

C. B. [L. s.]

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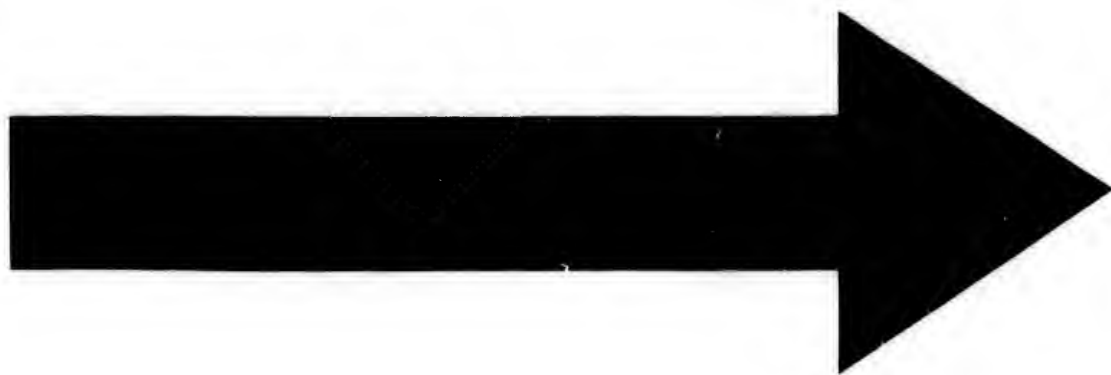
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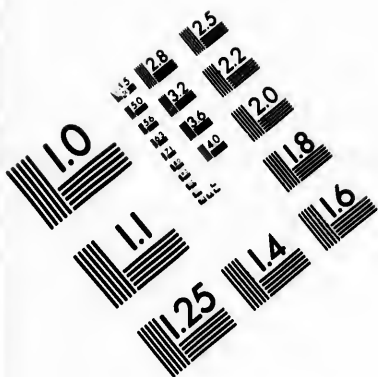
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