

No. 218.

4th Session, 6th Parliament, 24 Victoria, 1861

BILL.

An Act to incorporate "The Petroleum
Springs Road Company."

(PRIVATE BILL.)

Received and read, first time, Tuesday,
23rd April, 1861.

Second reading, Wednesday, 24th April,
1861.

Mr. MACBETH.

QUEBEC:

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An Act to incorporate "The Petroleum Springs Road Company."

WHEREAS Henry C. R. Beecher, John Wilson, Alexander McDonald, George Macbeth, Stearne John Bull, James Shanly and Caldwell Ashworth, Esquires, and others, have by petition to the Legislature, represented that the construction of a Tram Road or Way connecting the Southern part of the Township of Enniskillen and the Township of Dawn, with Wanstead, on the Sarnia branch of the Great Western Railway, and with Bothwell or Newbury, on the main line of that Railway, would tend much to develop the resources of the said townships and the surrounding country, and be of great public convenience and benefit, and that they are desirous of becoming incorporated as a Company for the construction and working of the said Tram Road or Way, with other proper powers in that behalf, under the name of "The Petroleum Springs Road Company," and have prayed to be so incorporated: and whereas it is proper that the prayer of the said petition be granted: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

I. The said Henry C. R. Beecher, John Wilson, Alexander McDonald, George Macbeth, Stearne John Bull, Caldwell Ashworth and James Shanly, together with all such other persons as shall, under the provisions of this Act, become Shareholders, shall be, and are hereby declared and constituted a body corporate and politic, by the name of "The Petroleum Springs Road Company."

II. The said Company, their servants and Agents, shall have full power under this Act to lay out, construct and complete a double or single Tram Road or Way of Wood, or wood and iron, or other materials, from Wanstead, in the Township of Plympton, to any point in the Southern part of the Township of Enniskillen, and from thence to any point in the Township of Dawn, and from thence to Bothwell or Newbury aforesaid, and to take and hold all lands for the purposes and conveniences of their Road or Way, and the buildings and constructions connected in any way therewith, or aiding the traffic thereof; and they shall have full power to carry and transport on their said Road or Way and any and every part thereof, all manner of goods, property and passengers, at such reasonable rates as the Directors of the Company for the time being shall impose, or as shall be from time to time fixed by the Governor of the Province; and the said Road may be worked by horse or other power, but if by steam the rate of travelling shall not be greater than ten miles per hour.

III. The capital stock of the said Company shall be fifty thousand dollars, divided into two thousand five hundred shares of twenty dollars each; but the Company may commence their operations under this Act so soon as sixteen thousand dollars of such capital stock shall have been subscribed, and ten per cent. thereof paid in; and the payment of all stock shall be made by calls on each shareholder, for such sums and at such times as the Board of Directors of the Company shall determine: Provided that at least one month's notice be given of every such call.

Preamble.

Company incorporated.

Name.

Line of Company's road defined.

Right of way, etc., and other powers.

Rate of travel limited.

Capital.

When the Company may begin work.
Calls.

Provisional Directors.	IV. The affairs of the Company shall be administered and its powers exercised, until the first general meeting thereof, by a Provisional Board of Directors, to consist of the said Henry C. R. Beecher, John Wilson, Alexander McDonald, George Macbeth and James Shanly, and there-	5
Elective Directors.	after by a Board of five Directors, to be elected at such meeting, being severally shareholders to the amount of four hundred dollars or more in the capital stock of the Company—the shareholders electing them, at such first Meeting, having paid in Ten per cent. on their Stock : and two of such Directors, in rotation, shall thenceforth retire annually from such Board, but may always be re-elected ; and at the elections	10
Votes.	for Directors, each Stockholder shall be entitled to one vote for every share of Stock he holds and in respect of which he is not in arrear for any call : and any Stockholder may vote by proxy : and the Directors shall elect one of their number to be President : and such President and other Directors may be remunerated by the Stockholders for their services : and three Directors of such Board shall form the quorum thereof ; and in case of the death, resignation, removal or other disqualification of any Director, such Board may fill the vacancy until the next annual general meeting of the Company, by appointing any qualified shareholder thereto.	20
President.		15
Quorum.		15
Vacancies.		20
Powers of Provisional Directors.	V. The said Provisional Board of Directors shall have full power to open stock books, assign stock to parties subscribing, make calls on stock and grant certificates and receipts therefor, and to do all other things for the well-being of the said Company, and to conduct its affairs until the election of the Board of Directors thereof.	25
First general meeting.	VI. The first general meeting of the Company shall be held at the City of London, in this Province, at such time, within six months at furthest after an amount of sixteen thousand dollars has been subscribed and ten per cent. thereof paid in, and at such place, as the said provisional Board of Directors shall appoint, and after at least one week's due notice given thereof ; and annual general meetings of the Company shall thereafter be held at such time and place, and after such notice to be given thereof, as by the By-laws of the Company shall from time to time be ordained.	30
Annual Meetings.		30
Provision in case of failure of election.	VII. In case of any failure of election of Directors, the Corporation shall not thereby be dissolved, and the term of office of the then Directors or any of them, shall not be deemed to have expired until the appointment of their successors.	35
Powers of Directors.	VIII. The Board of Directors of the Company may make and enter into on behalf of the Company, all necessary contracts, and shall administer the affairs of the Company, and make By-laws for the proper regulation of all matters concerning the said Company, and for the forfeiture of stock for non-payment of calls ; for regulating or prohibiting the assignment of stock until fully paid up, or for any other matter or thing connected with the said Company, and may repeal such By-laws from time to time and enact new By-laws.	40
By-laws,		45
Liability of shareholders limited.	IX. The shareholders of the Company shall not, as such, be held responsible for any act, default or liability whatever of the Company, or for any engagement, claim, payment, loss, injury, transaction, matter or thing whatsoever, relating to or connected with the Company, beyond the amount of their respective shares in the capital stock thereof.	50

X. The said Company shall complete their Road or Way within five years from the passing of this Act, and if the same be not then completed, the powers of the said Company, except as to the portion thereof that may then be in operation, shall cease.

Road to be completed in five years.

5 XI. The said Company shall have all the powers and benefits, and be subject to the liabilities, duties and restrictions, given to and imposed upon Joint Stock Road Companies, in the fourth, fifth, sixteenth, seven-
 10 teenth, eighteenth, nineteenth, twentieth, twenty-first, twenty-second, twenty-third, twenty-fourth, twenty-fifth, twenty-sixth, twenty-seventh,
 15 twenty-eighth, twenty-ninth, thirtieth, thirty-first, thirty-second, thirty-fourth, thirty-fifth, fifty-third, fifty-fourth, fifty-fifth, fifty-sixth, sixtieth, sixty-third, sixty-fourth, sixty-fifth, sixty-sixth and one hundred and tenth clauses of the Act chapter forty-nine of the Consolidated Statutes for Upper Canada; and those clauses are for the purposes of this Act, and in regard to all Corporations and persons, to be read and taken as part of this Act.

Certain provisions in cap. 49 of Con. Stat. U. C. incorporated with this Act.

XII. Any shareholder shall be a competent witness in any suit or proceeding, although the said Company may be complainant or plaintiff or defendant therein.

Shareholders competent as witnesses, etc.

20 XIII. The Council of any Township may, by By-law or otherwise, permit the said Company to construct their said Road or Way, or any part thereof, in, along, over and upon the whole or any part and parts of any original Government allowance for road in such Township, and from thenceforth the portion and portions or the whole of such original
 25 allowance for road to which such permission extends shall be vested absolutely in the said Company, divested of any public right; but whenever the Tram Road or Way is intersected by any open and travelled public highway, the Company shall make, keep and maintain, on either side of and on their track, a sufficient slope and guard or platform of
 30 plank or other material, so that the public may cross the same without inconvenience to themselves or injury to the track.

Municipalities may allow the Company to use the Public Highway.

Precautions in such case.

XIV. In case any person or persons shall, with horses, cattle or carriages, go or travel on, upon or across the said Tram Road, or Way or track, or any part thereof, except at the slope or crossing mentioned in
 35 the preceding section, or upon any bridge of the said Company, whether doing injury or not to the same, or if any person or persons shall in any way do or cause to be done any injury to such road, or way, or track, or any timber, tie, rail, fence, bridge or building connected therewith, or to any car, carriage, horse or engine of the Company, or any other property
 40 belonging to them or in their custody or charge, or shall interrupt or impede the passage of any train, car, carriage, horse or engine of the Company, such person and persons shall, upon conviction thereof in a summary way before any Justice of the Peace, be sentenced to pay all
 45 damages, if any, sustained by the Company, which damages shall be ascertained and settled by the Justice hearing the complaint, and also to pay a fine of not more than twenty dollars and not less than one dollar, together with all costs; which damages, fine and costs shall be paid within a time to be limited by the Justice, and in default thereof shall be levied as in the one hundred and seventh section of the said Act
 50 chapter forty-nine of the Consolidated Statutes for Upper Canada is directed; and in case of no goods or chattels to satisfy the warrant, the offender may be committed to Gaol as in the said section is provided;

Penalty on persons trespassing on the Company's property or works.

How to be enforced.

- And how applied. and the damages so ascertained shall be paid to the Company, and the fines one-half to the complainant and the residue to the Receiver General for the uses of the Province.
- Company may convert their road into a Plank Road, &c. XV. Should the said Company find it unprofitable, they may convert their Tram Road or Way, or any part or parts thereof, into a plank or gravelled road, or road of other material; and in such event, all and singular the clauses in the said Act chapter forty-nine of the Consolidated Statutes for Upper Canada in any way relating to tolls, shall then be taken as applicable to the said road, or the part or parts thereof so converted, and shall be in force in relation thereto. 5 10
- Suits for things done under this Act limited. XVI. All suits for indemnity for any damage or injury sustained by reason of the said Tram Road or Way, or the works thereof, shall be instituted within six months next after the time of such supposed damage sustained, or if there be continuation of damage, then within six months next after the doing or committing such damage ceases, 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. 15
- Pleading and evidence. XVII. This Act shall be deemed a Public Act. 20
- Public Act.