

No. 81.
(PRIVATE BILL.)

1st Session, 4th Parliament, 16 Victoria, 1852.

BILL.

An Act to incorporate "*The Cobourg
and Peterborough Railway Company.*"

Received and Read a first time, Tuesday, 21st
September, 1852.

Second Reading, Friday, 24th September, 1852.

MR. BURNHAM.

QUEBEC:
PRINTED BY JOHN LOVELL, MOUNTAIN STREET.

B I L L.

An Act to incorporate "*The Cobourg and Peterborough Railway Company.*"

WHEREAS the construction of a Railway connecting the Preamble.
Town of Peterborough its extensive water power, and surrounding Country with the Port of Cobourg, must conduce greatly to the welfare of the inhabitants residing therein; And whereas
5 Andrew Jeffrey, D'Arcy E. Boulton, Stuart E. Mackechnie, Edward J. Winans, Henry Jones Ruttan, George S. Daintry, John Beatty, the younger, Peter McCallum, Henry Mason, Asa A. Burnham, George Hutchinson, Francis Burnett, George M. Boswell, John Field, William G. Strong, Austin B. Carpenter, Thomas Scott, Ebenezer Perry,
10 William Hitchins, John S. Wallace, William Gravely, William McDougall, Terence Duignan, Sidney Smith, John Helm, the elder, Henry Covert, Joseph B. Radcliffe, and James B. Fortune, have prayed to be incorporated with the powers requisite for making and maintaining such Railway; Now, therefore, be it enacted, &c.,

15 That Andrew Jeffrey, D'Arcy E. Boulton, Stuart E. Mackechnie, Edward S. Winans, Henry Jones Ruttan, George S. Daintry, John Beatty, the younger, Peter McCallum, Henry Mason, Asa A. Burnham, George Hutchinson, Francis Burnett, George M. Boswell, John Field, William G. Strong, Austin B. Carpenter, Thomas
20 Scott, Ebenezer Perry, William Hitchins, John S. Wallace, William Gravely, William McDougall, Terence Duignan, Sidney Smith, John Helm, Senior, Henry Covert, Joseph B. Radcliffe, and James B. Fortune, together with such person or persons, Corporations and Municipalities as shall, under the provisions
25 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 Cobourg and Peter-*
borough Railway Company".

30 H. And be it enacted, That the several Clauses of the *Railway Clauses Consolidation Act*, passed during the last Session of the now Corporate name.

Certain clauses of 14 and 15 Vic., Cap. 51, incorporated with this Act.

last Parliament, 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.

10

What Line of Railway the Company may construct.

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 costs and charges, on and over any part of the Country, and across Rice Lake, lying between the Towns of Cobourg and Peterborough, to Peterborough, or to intersect any road leading from Peterborough Eastward.

15

Form of deeds to Company.

IV. And be it enacted, That deeds and conveyances under this Act, for lands to be bonveyed 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, or the productions thereof, and proof of execution without any memorial, and to minute every such entry on the said deed ; and the said Company are to pay to the said Registrar for so doing, the sum of *two shillings and six pence*, and no more.

20

25

Registration of such deeds.

Capital Stock : Number and value of shares.

V. And be it enacted, That the Capital Stock of the Company shall be one hundred thousand pounds currency, to be divided in ten thousand shares of ten pounds each, which amount shall be raised by the persons and parties above named, or some of them, together with 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 passage of this Act, and for making the Surveys, Plans and Estimates of the said Road and connected with the said Railway, and all the rest and remainder of such money shall be applied towards making, completing and maintaining the said Railway and other purposes of this Act, and to no other purpose whatsoever ; Provided always, that until the said preliminary expenses con-

30

35

40

Application of such Capital.

Proviso.

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

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 Cobourg, for the purpose of putting this Act into effect, which meeting shall be called by the Mayor of Cobourg, ten days public notice thereof being given, by being published in the newspapers of the said Town of Cobourg, at which said general meeting, the Shareholders present, having paid ten per cent on their Stock subscribed, either by person or by proxy, shall choose nine Directors in manner, and qualified as hereafter mentioned, who, together with the ex-officio Directors as provided by the "*Railway Clauses Consolidation Act*," shall hold office until the first Monday in February following; Provided, that the heads of Municipalities subscribing for Stock may vote on such Stock at the said first meeting, or in their absence, such persons as may be duly authorised under the seal of the Municipality for the purpose; and such Municipalites so voting, shall vote according to the scale of votes hereinafter mentioned, and in the same manner as individual Shareholders.

First General Meeting.

Election of Directors.

Proviso.

VII. And be it enacted, That on the first Monday in February, in each year, at Cobourg, 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 the election in the *Canada Gazette*; and also once fifteen days before the election in one newspaper in each Town upon the line of 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 the Board of Directors.

Annual General Meeting: Election of Directors, &c. Notice thereof.

Mode of Election.

Vacancies, how filled.

Quorum of
Directors.
Proviso.

VIII. And be it enacted, That five Directors shall form a quorum for the transaction of business; Provided, that the Directors may employ one or more of their said number as paid Director or Directors.

Qualification
of Directors.

IX. And be it enacted, That the persons qualified to be Directors of said Company under this Act, shall be any Shareholder holding stock to the amount of one hundred pounds, who shall have paid up all calls on said stock.

Calls to be
made by Di-
rectors.

X. And be it enacted, That it shall and may be lawful for the Directors, at any time, to call upon the Shareholders for the second and all subsequent instalments upon each share, which they or any of them 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, so as no such instalment shall exceed ten per cent.

Proportion of
votes to Shares

XI. And be it enacted, That each Shareholder in his own right, shall be entitled to the number of votes in proportion to the number of shares which he or they shall have in his or their names at two weeks prior to the time voting; Provided that no one Shareholder as aforesaid shall have more than five hundred votes, and that Municipalities shall have one hundred votes for every £5,000 they shall subscribe.

Proviso.

Company
may become
parties to Promissory
Notes, &c.

XII. And be it enacted, That the said Company may become parties to promissory notes and bills of exchange for sums not less than twenty-five pounds; and any such promissory note made and 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 Directors, and shall be binding upon the said Company, and every such promissory note or bill of exchange so made, drawn, accepted or endorsed, 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, until the contrary be shown: 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 or Vice-President, Secretary or Treasurer of the Company so making, drawing, accepting or endorsing any such promissory note or bill of exchange be hereby subjected individually to any liability whatever; Provided always, that nothing in this Clause shall be construed to authorise 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 the Bank.

They need not
be under Seal.

Proviso:
Company not
to issue notes
payable to
bearer, &c.

XIII. And be it enacted, That it shall be lawful for the Directors (if authorised 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 here-
 5 after to be chartered in any part of this Province for the union, junction and amalgamation or purchase of any Railway or Railway Company by mutual agreement with such Company: And the Capital Stock of any Companies so united, shall become the Capital Stock of the Companies so united; and be controlled
 10 and managed as such independently of all other increase of stock authorised by this Act.

Company may unite with other Companies.

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

Gauge.

XV. And be it enacted, That it shall and may be lawful for the
 15 said Company to take and appropriate for the use of the said Railway, so much of the land covered with the waters of the Otonabee and Rice Lake and of any stream, or of their respective beds as may be found necessary for the making, completing, or more completely using the same; and thereon to erect any
 20 wharves, quays, inclined planes, cranes, and other works as to the Company shall seem meet: And if the said Railway shall be carried across the Rice Lake or Otonabee River, the said Company shall leave such openings between the piers of their bridge, or viaduct over the same; and shall construct such draw,
 25 swing or other bridges over the channel of the said River, or of Rice Lake, and shall be subject to such regulations with regard to the opening of such draw, swing or other bridges for the passage of vessels steamboats and rafts, as the Governor in Council shall direct and make from time to
 30 time; nor shall it be lawful for the said Company to construct any wharf, bridge or pier, or other work upon the public beach of the said Rice Lake or Otonabee River, or upon the land covered with the waters thereof, until they shall have submitted the plans of such work to the Governor in Council nor until the same
 35 shall have been approved by him in Council as aforesaid.

Company may take lands covered with water, for their works.

Provisions for preventing obstruction to navigation, &c.

XVI. And be it enacted, That by any regulations to be made by the Governor in Council touching any such draw bridge, swing or other bridges as aforesaid, penalties not exceeding ten pounds in any case may be imposed for the contravention thereof,
 40 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.

Governor in Council may impose penalties by regulations as to Bridges.

