

N. 257.

3rd Session, 5th Parliament, 20 Victoria, 1857.

B I L L .

**An Act to incorporate the Great Southern
Railway Company.**

PRIVATE BILL.

**Received and read first time, Wednesday, 22nd
April, 1857.**

Second reading, Thursday, 23rd April, , 1857.

Mr. RANKIN.

S. Derbishire & G. Desbarats, Queen's Printer.

An Act to incorporate the Great Southern Railway Company.

WHEREAS the persons hereinafter named and divers others have petitioned that an Act be passed to authorize the construction of a Railway from some point on the Niagara River, within the limits of the Town of Clifton, *via* the Towns of Simcoe and St. Thomas, to some point within the boundaries of the Township of Colchester; and thence, to such points on the Detroit River at or near the Towns of Amherstburgh and Windsor, as may be found most suitable and convenient; and whereas the construction of such Railway will conduce materially to the welfare of the inhabitants residing along the line, as well as to the prosperity of the surrounding Country, Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

15 A, B, C, D, &c., together with such other person or persons, corporations and municipalities as shall, under the provisions of this Act, become shareholders in the Company hereby incorporated, shall be, and are hereby ordained, constituted and declared to be a body corporate and politic, by and under the name of "The Great Southern Railway Company."

II. The several clauses of the Railway consolidation Act 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," " 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 accordingly apply to the said Company and the said Railway, except only in so far as it may be inconsistent with the express enactments hereof; 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.

III. The said Company and their servants and agents shall have full power under this Act to lay out and 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

Preamble.

Company incorporated.

Name.

Certain provisions of 14, 15 V. c. 51, incorporated with this Act.

Line of the Railway.

between the Niagara River at or near the Suspension Bridge in the Town of Clifton, *via* the Towns of Simcoe and St. Thomas and the Township of Colchester, to such points on the Detroit River, at or near the Towns of Amherstburg and Windsor, as may be found most convenient; And the said Company and their servants and agents, shall have full power under this Act to purchase and hold River frontage on the Rivers Niagara and Detroit at the points above indicated, and to build Wharves or Docks thereon; also to construct, build or purchase and hold, such Steam Ferry-boats as they may require to enable them to convey passengers and freight across the said rivers to such points in the United States as may be necessary to enable them to connect with the various Railways either running eastwardly through the State of New York, or westwardly through the State of Michigan, and they shall have power to dispose of the same if so inclined, or to charter any other Steam Vessel not being their own property, to perform this service.

Power to hold wharves on the Niagara and Detroit Rivers.

And Ferry-boats.

Form of conveyances to the Company.

IV. Deeds and conveyances under this Act for the 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 circumstances of the parties making such conveyance will admit, be made in the form given in the Schedule to this Act, marked A, and all Registrars are hereby required to register 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; the said Company are to pay the Registrar for so doing the sum of *two shillings and six pence*, and no more.

Fee for registering.

Provisional Directors.

V. From and after the passing of this Act shall be Provisional Directors of the said Company for carrying into effect the object and purposes of this Act.

Filling vacancies among Provisional Directors.

VI. It shall and may be lawful for the Provisional Directors for the time being of the said Company or a majority of them, to supply the place or places of any of their number from time to time dying, or declining to act as such Provisional Director or Directors, out of the several owners of stock in their said Railway to the amount of at least two hundred and fifty pounds, Provincial currency, each, during the period of their continuance in office; and such Provisional Directors, except as hereinafter is excepted, shall be and they are hereby invested with all the powers, rights, privileges and indemnities, and they shall be and they are hereby made subject unto the like restrictions, as the elected Directors of the said Company upon their being elected by the stockholders of the said Company, as hereinafter provided, would, under the provisions of the Railway consolidation Act and of this Act, become invested with or subject unto respectively.

Powers of Provisional Directors.

VII. When and so soon as shares to an amount equivalent to four hundred thousand pounds, Provincial currency, in the Capital Stock of the said Company be taken, and ten pounds per centum thereon shall have been paid into some one of the 5 Chartered Banks of this Province, it shall and may be lawful for the Provisional Directors of the said Company, for the time being, to call a Meeting at the Town of St. Thomas, of the subscribers for stock in the said Company, and who have paid ten per centum thereon, as aforesaid, for the purpose of electing 10 Directors of the said Company; Provided always, that if the said Provisional Directors shall neglect or omit to call such Meeting, then the same may be called by any ten of the holders of shares in the said Company, holding among them not less than an amount equivalent to five thousand pounds Provincial 15 currency; And provided always, that in either case public notice of the time and place of holding such Meeting shall be given during one month in some one newspaper published in the City of Toronto, and also in some one newspaper published in each of the Counties through which said Railway shall pass, 20 or be intended to pass, or in such of the said Counties as shall have a newspaper published therein respectively; and at such General Meeting the shareholders assembled, with such proxies as shall be present, shall choose nine persons to be Directors of the said Company, being each a proprietor of shares in the said 25 Company to an amount of not less than two hundred and fifty pounds Provincial currency, and shall also proceed to pass such Rules, Regulations and By-laws as shall seem to them fit, provided they be not inconsistent with this Act; Provided also, that such per centum shall not be withdrawn from such Bank 30 or otherwise applied except for the purposes of such Railway, or upon the dissolution of the Company from any cause whatever.

First general meeting for election of Directors: how called.

Proviso.

Proviso: how notice shall be given.

Election of nine Directors.

Proviso.

VIII. The Directors so elected or those appointed in their stead in case of vacancy, shall remain in office until the first 35 Wednesday in June, one thousand eight hundred and fifty and on the said first Wednesday in June, and on the first Wednesday in June in each year thereafter, or such other day as shall be appointed by any By-law, an annual General Meeting of the shareholders shall be held at the office of the Company 40 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 should appear to any ten or more of such shareholders holding together two hundred shares at least, that a Special General Meeting of 45 the 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 such newspapers as are hereinbefore provided, or in such manner as the Company shall by any By-law direct or appoint, specifying in such notice the time and place 50 and the reason and intention of such Special Meeting, respectively, and the shareholders are hereby authorized to meet pur-

Annual general meetings for election of Directors, &c

Special meetings.

Powers of special meetings. suant to such notice and proceed to the execution of the powers by this Act given to them, with respect to the matter so specified only; and all such acts of the shareholders or the majority of them at such Special Meeting assembled, (such majority not having either as principal or proxies less than two hundred shares,) shall be as valid to all intents and purposes as if the same were done at annual meetings. 5

Capital £2,000,000. IX. For the purpose of making, constructing and maintaining the Railway and other works necessary for the proper use and enjoyment of the Railway by this Act authorized to be constructed, it shall and may lawful for the Directors of the said Company for the time being, 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 from time to time seem fit, the sum of Two Millions of Pounds Provincial currency, such shares to be issued for sums of Twenty-five Pounds Provincial currency, each; Provided always, that the said capital sum may from time to time, if necessary, be increased in the manner provided for by those clauses of the Railway clauses consolidation Act, which in and by the second section of this Act are incorporated with this Act. 10 15 20

Shares. Proviso for increase of capital.

Directors to deliver share certificates, &c. X. It shall and may be lawful for the Directors of the said Company for the time being, to make, execute and deliver all such scrip and share certificates, and all such bonds, debentures, mortgages or other securities, as to the said Directors for the time being shall from time to time seem most expedient for raising the necessary capital for the time being authorized to be raised by the said Company, or for raising any part thereof. 25

One vote for each share. XI. Every proprietor of shares in the said Company shall be entitled on every occasion when the votes of the Members of the Great Southern Railway Company are to be given, to one vote for every share of Twenty-five Pounds, currency, held by him. 30

Form of bonds and debentures, &c. XII. All bonds, debentures and other securities to be executed by the Great Southern Railway Company may be made payable to bearer; and all such bonds, debentures or other securities of the said Company and all dividends and 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. 35 40

Quorum of Directors. XIII. Any Meeting of the Directors of the said Company regularly summoned, at which not less than five of such Directors shall be present, shall be competent to exercise and use all and every of the powers hereby vested in the said Directors. 45

XIV. Calls may be made by the Directors of the said Company for the time being ; Provided, that no call to be made upon the subscribers for stock in the said Railway Company, shall exceed the sum of Ten Pounds per centum upon the amount 5 subscribed for by the respective shareholders in the said Company, and that of the amount of any such calls in any stock so subscribed ; Provided also, that upon the occasion of any person or corporation becoming a subscriber for stock in the said Company, it shall and be lawful for the Provisional and other 10 Directors of the said Company, for the time being, to demand and receive to and for the use of the said Company the sum of Ten Pounds per centum upon the amount so by such person or corporation respectively subscribed, and the amount of such calls as shall have already been made payable in respect of the 15 stock then already subscribed at the time of such person or corporation, respectively, subscribing for stock.

Directors may make calls.

Proviso.

Proviso: ten per cent. to be paid on subscribing.

XV. And whereas it may be necessary for the said Company to possess gravel pits and lands containing deposits of gravel, as well as lands for stations and other purposes at convenient places along their line of Railway for constructing and 20 keeping in repair and for carrying on the business of the said Railway ; and as such gravel pits or deposits cannot at all times be procured without buying the whole lot of land whereon such deposits may be found ; it is therefore enacted, that it 25 shall be lawful for the said Company, and they are hereby authorized, from time to time to purchase, have, hold, take, receive, use and enjoy along the line of the said Railway or separated therefrom, and if separated therefrom, then with the necessary right of way thereto, any lands, tenements and hereditaments 30 which it shall please Her Majesty or any person or persons or bodies politic, to give, grant, sell or convey unto, and to the use of or in trust for, the said Company, their successors and assigns, and it shall and may be lawful for the said Company to establish stations, or workshops on any such lots or blocks of 35 land, and from time to time, by deed of bargain and sale or otherwise, to grant, bargain, sell or convey any portion of such lands not necessary to be retained for gravel pits, sidings, branches, wood-yards, station grounds or workshops, or for effectually repairing, maintaining and using to the greatest 40 advantage, the said Railway and other works connected therewith.

Power to take lands for certain purposes, of the line of the Railway.

XVI. And whereas it may be for the interest of said Company, hereafter to unite with the Erie and Ontario Railway Company : Be it enacted, that it shall be lawful for the said Great Southern Railway Company, to unite or amalgamate 45 with the Erie and Ontario Railway Company or with any other Company whose Railway intersects that of the said Company or touches any place which their Railway also touches, upon such terms and conditions as may be agreed upon between the Companies ; and to any such union and the proceedings preli-

Power to unite with the Erie and Ontario Railway Company.

minary thereto and the effects thereof, all the provisions of the Acts passed in the sixteenth year of Her Majesty's Reign, and chaptered, respectively, thirty-nine and seventy-six (providing for the union of Railway Companies) shall extend and apply.

18 V. c. 182,
and 19, 20 V.
c. 113, re-
pealed.

XVII. The Act passed in the eighteenth year of Her Majesty's Reign, chaptered one hundred and eighty-two, and the Act passed in the nineteenth and twentieth year of Her Majesty's Reign, chaptered one hundred and thirteen, are hereby repealed.

Completion of
works.

XVIII. The said Railway shall be commenced within three years and completed within six years after the passing of this Act.

Public Act.

XIX. This Act shall be deemed and taken to be a Public Act.

SCHEDULE A.

Know all men by these presents, that I, *(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 Great Southern Railway Company, the receipt whereof is hereby acknowledged, grant, bargain, sell, convey and confirm unto the said Great Southern 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 on by the said Company for the purposes of their Railway, to have and to hold the said land and premises together with every thing appertaining thereto, to the said Great Southern Railway Company, their successors and assigns for ever; *(if there be dower to be released, add)* and I *(name the wife)* hereby release my dower in the premises.

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

A. B. (L. S.)
C. B. (L. S.)

Signed, sealed and delivered }
in the presence of }
O. K.