

No. 89.

2nd Session, 5th Parliament, 19 Victoria, 1856.

(PRIVATE BILL.)

BILL.

An Act to incorporate a Company by the name of the North Western Railway Company.

Received and read, first time, Monday, 10th March, 1856.

Second reading, Wednesday, 12th March, 1856.

Hon. Sir A. N. MacNAB.

TORONTO:

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An Act to incorporate a Company, by the name of the
North Western Railway Company.

WHEREAS the construction of a Railway from Galt to the waters of Lake Huron, at or near the mouth of the River Saugeen, must conduce greatly to the welfare of the inhabitants residing on the line of such Railway, and will tend to open the surrounding country ; and, whereas
5 John Young, F. W. Gates, Robert Hamilton, James Osborne, and D. M. Osborne of the City of Hamilton, William Dickson, Absalom Shade, Adam Ainslie and William Elliott, of the Town of Galt, The Honble Walter H. Dickson, of the Town of Niagara, Daniel Snider, of the Village of Waterloo, and others, have prayed to be incorporated with the powers requisite
10 for making and maintaining such Railway ; Therefore Her Majesty, &c., enacts as follows :

John Young, F. W. Gates, Robert Hamilton, James Osborne, D. M. Osborne, William Dickson, Absalom Shade, Adam Ainslie, Wm. Elliott, The Honble Walter H. Dickson, Daniel Snider, Tristram Bickle, William P.
15 McLaren, Henry McKinstry, Jasper T. Gilkison, Charles A. Sadlier, George W. Burton, Isaac Buchanan, Donald McInnis, James Cummings, Michael W. Brown, Nehemiah Ford, Robert N. Law, the Honorable Sir Allan Napier MacNab, together with such person or persons, corporations and Municipalities, as shall, under the provisions of this Act, become Share-
20 holders in such Company as is hereafter 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 North Western Railway Company.*

II. The several clauses of "The Railway Clauses Consolidation Act,"
25 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
30 expression "this Act," whenever used herein.

III. The said Company and their servants or agents shall have full power
35 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 Galt and the waters of Lake Huron, at or near the mouth of the River Saugeen, by way of the Village of Berlin and Waterloo.

Form of Deeds for lands conveyed for purposes of this Act.

IV. 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. 5

Books of subscription when and where to be opened.

V. The parties hereinbefore named, or a majority of them, shall cause 10 books of subscription to be opened in the City of Hamilton, and Towns of Galt and Berlin, 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 news- 15 papers 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 20 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.

Capital Stock, Amount, and number of shares.

VI. The Capital Stock of the Company shall be five hundred thousand pounds currency, to be divided into twenty thousand shares of twenty-five 25 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 30 this Act, and for making the surveys, plans, and estimates of the said Road, and connected with the said Railway.

First general Meeting.

VII. 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 35 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 40 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.

Directors to be elected.

Annual election of Directors.

VIII. On the second Monday in June in each year, at the Town of Galt, 45 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 County upon the 50 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 the said nine Directors with the said *ex officio* Directors shall form a Board of Directors.

In case of
vacancy
occurring.

IX. 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.

Quorum for
transaction of
business.

Proviso.

X. The persons qualified to be elected Directors of the said Company, under this Act, shall be any Shareholder holding stock to the amount of five hundred pounds, who shall have paid up all calls on such Stock.

Qualification
of Directors.

XI. No calls of money from the Shareholders shall exceed ten per cent. on their shares.

Amount of
instalments.

XII. 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 above ten.

Scale of votes

XIII. 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.

Company may
become parties
to Promissory
Notes, &c.

Proviso.

XIV. The gauge of the said Railway shall not be broader or narrower than five feet six inches.

Gauge of
Railway.

XV. This Act shall be a Public Act.

Public Act.

SCHEDULE A.

Know a 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 North Western Rail-
 way Company, the receipt whereof is hereby acknowledged, grant, bargain,
 sell, convey and confirm unto the said North Western 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 Railway, to have and hold the
 said land and premises, together with the hereditaments and appurtenances
 thereto to the said North Western 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

A. B. [L. S.]
 C. D. [L. S.]

in presence of

(And if the wife join)