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2nd Session, 7th Parliament, 26 Victoria, 1863

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BILL.

**An Act to incorporate the Oil Springs Ro
Company.**

Received and Read, 1st time, Wednesday, 4
March, 1863.

Second Reading, 9th March, 1863.

Hon. Mr. FERGUSSON BLAIR.

QUEBEC:

PRINTED FOR THE CONTRACTORS BY HUNTER
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BILL.

An Act to incorporate the Oil Springs Road Company.

WHEREAS the Honorable Donald McDonald, George Desbarats, Esquire, John Crawford, Esquire, the Honorable George William Allan, the Honorable William McMaster, the Honorable John Ross, and others, have petitioned that an Act may be passed, authorizing the construction of a Railway or Tram-Way from the Village of Oil Springs, in the Township of Enniskillen, in the County of Lambton, to some point on the Grand Trunk Railway of Canada, as may be considered most convenient for that purpose; and whereas a Railway or Tram-Way so constructed would manifestly tend to open an extensive tract of fertile land, and also afford greater facilities for the development of the Petroleum Oil trade;

Preamble.

Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

- 10 **1.** The Honorable Donald McDonald, George Desbarats, Esquire, John Crawford, Esquire, the Honorable George William Allan, the Honorable William McMaster, the Honorable John Ross, the Honorable Sidney Smith, the Honorable John Beverley Robinson, the Honorable John McMurrich, 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 Oil Springs Road Company."
- 15 **2.** The several clauses of the Railway Act, with respect to the fourth, fifth and sixth clauses thereof, and also the several clauses of 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," "working of the railway," "penal clauses," "actions for indemnity, and fines and penalties and their prosecution," and "general provisions," shall be incorporated in this Act, and shall accordingly apply to the said Company and the said Railway, or in case a Tram-Way is made, to the said Tram-Way in the same manner as if it were a railway, except only in so far as may be otherwise provided in this Act, and as this Act may be inconsistent therewith; and the expression "this Act" when used herein shall be understood to include the provisions of the "Railway Act," which are incorporated with this Act, as aforesaid, except where inconsistent with any provision in this Act.
- 20 **3.** The said Company and their servants and agents shall have full power, under this Act, to lay out, construct and complete a Railway or Tram-way between the village of Oil Springs, in the township of Enniskillen, in the county of Lambton, and such point on the line of the Grand Trunk Railway of Canada as may be considered most convenient,

Certain persons incorporated.

Certain clauses of Railway Act to form part of this Act.

Power to make Railway or Tram-way from Oil Springs to Grand Trunk Railway.

with full power to pass over any portion of the Counties of Lambton, Huron and Perth, or either and any of them, and to intersect and unite with the Grand Trunk Railway at any convenient point northerly of the village of St. Mary's, under the provisions of the statutes in such case made and provided.

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Form and Registration of Deeds.

4. 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 10 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 sixpence, and no more.

Provisional Directors.

6. From and after the passing of this Act the said the Honorable 15 Donald McDonald, George Desbarats, Esquire, John Crawford, Esquire, the Honorable George William Allan, and the Honorable John Ross shall be Provisional Directors of the said Company, for carrying into effect the object and purposes of this Act.

Powers of Provisional Directors and how their number may be kept up.

6. It shall and may be lawful for the Provisional Directors, for the 20 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 Company, to the amount of at least five hundred dollars Provincial currency, each, during the period of 25 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 stock- 30 holders of the said Company, as hereinafter provided, would, under the provisions of the "Railway Act" and of this Act, become invested with or subject unto respectively.

First meeting for Election of Directors.

7. When and so soon as shares to an amount equivalent to three hundred thousand dollars, Provincial currency, in the capital stock of 35 the said Company, be taken and subscribed for, and ten per centum thereon shall have been paid into some one of the 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 such place as may be named in said notice, of the subscribers for stock in the said 40 Company, and who have paid ten per centum thereon, as aforesaid, for the purpose of electing 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 five of the holders of shares in the said Company, holding among them not less than an 45 amount equivalent to one hundred thousand dollars, Provincial 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 town of Sarnia and in the *Canada Gazette*, and also in some one newspaper published in each of the coun- 50 ties through which the said Railway or Tram-way shall pass or be intended to pass respectively; and at such general meeting the shareholders assembled, with such proxies as shall be present, shall choose five persons to be Directors of the said Company, being each a proprietor of 55 shares in the said Company to an amount of not less than five hundred dollars, Provincial currency, and shall also proceed to pass such rules,

Proviso.

regulations and by-laws as shall seem to them fit, provided they be not inconsistent with this Act; provided also, that such ten per centum shall not be withdrawn from such Bank, or otherwise applied, except for the purposes of such Railway or Tram-way, or upon the dissolution of the Company, from any cause whatever. Proviso.

8. The Directors so elected or those appointed in their stead in case of vacancy shall remain in office until the expiration of one year from the passing of this Act, or such other day as shall be appointed by any by-law at the first general meeting of the Company; and in each 10 every year after the passing of this Act, and after said general meeting above named, an annual general meeting of the shareholders shall be held at the office of the Company for the time being, to choose five 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 15 time it should appear to any five or more of such shareholders holding together stock to the amount of one hundred thousand dollars at least, that a special general meeting of the shareholders is necessary to be held it shall be lawful for such shareholders holding such amount as aforesaid or more of them, to cause fifteen days' notice at least to be given there- 20 of 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 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 25 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 principals or proxies, less than one thousand shares,) shall be as valid, to all intents and purposes, as if the same were done at annual meetings.

30 9. For the purpose of making, constructing and maintaining the Railway or Tram-way, or other works necessary for the proper use and enjoyment of the Railway or Tram-way by this Act authorized to be constructed, it shall and may be lawful for the Directors of the said Company for the time being to raise in such manner by loan, subscrip- 35 tion 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 three hundred thousand dollars, Provincial currency: such shares to be issued for sums of one hundred dollars, Provincial currency, each. Provided always, that the said capital sum may from time to 40 time, if necessary, be increased in the manner provided for by those clauses of the "Railway Act," which in and by the second section of this Act, are incorporated with this Act. Capital,
\$300,000.
Shares, \$100.

10. It shall and may be lawful for the Directors of the said Company 45 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 50 part thereof. Directors may
make certifi-
cates, bonds,
&c.

11. Every proprietor of shares in the said Company shall be entitled, on every occasion when the votes of the members of the Company are to be given, to one vote for every share of one hundred dollars currency held by him. One vote for
every share.

12. All bonds, debentures, and other securities, shall be executed by the President for the time being of the Company, and countersigned by 55 Bonds, &c., to
be payable to
bearer.

he Secretary, and may be made payable to bearer; and all such bonds, debentures or other securities of the said Company, and all dividend 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.

Quorum of Directors.

13. Any meeting of the Directors of the said Company, regularly summoned, at which not less than three 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. 10

Calls of Stock

14. 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 Company shall exceed the sum of ten dollars per centum upon the amount subscribed for by the respective shareholders in the said Company, and that the amount of any such call shall not exceed ten dollars per centum upon the stock so subscribed. 15

Proviso.

Provided also, that upon the occasion of any person or corporation becoming a subscriber for stock in the said Company, it shall and may be lawful for the Provisional and other 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 dollars 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 stock then already subscribed at the time of such person or corporation respectively subscribing for stock. 20
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Aliens may be Stockholders and Directors.

15. Aliens as well as British subjects, and whether resident in this Province or elsewhere, may be shareholders in the said Company; and all such shareholders shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to office as Directors in the said Company; but no shareholder shall be entitled in person or by proxy to vote at any election of Directors, or at any general or special meeting of the shareholders of the said Company who shall not have paid the aforesaid deposit of ten per centum and all calls due upon his stock at the time of such election or meeting. 30

Power to take materials by arbitration.

16. Where stone, gravel, or any other materials is or are required for the construction or maintenance of said Railway or Tram-way, or any part thereof, the Company may, in case they cannot agree with the owner of the lands on which the same are situate for the purchase thereof, cause a Provincial Surveyor to make a map and description of the property so required; and they shall serve a copy thereof, with their notice of arbitration on such owner; and the said Company may thereupon proceed and ascertain the compensation by arbitration, as in case of acquiring the roadway; and the notice of arbitration, the award and the tender of the compensation shall have the same effect as in case of arbitration for the roadway; and all the provisions of the "Railway Act," as varied and modified by this Act and the several Acts amending the said Act, as to the service of said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom lands may be taken, or who may sell, shall apply to the subject-matter of this section and to the obtaining materials as aforesaid; and such proceedings may be had by the said Company, either for the right to the fee simple in the land from which said material shall be taken, or for the right to take material for any time they shall think necessary, the notice of arbitration, in case arbitration is resorted to, to state the interest required. 40
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17. Where said gravel, stone or other materials shall be taken, under the preceding section of this Act, at a distance from the line of the Railway or Tram-way, the Company may lay down the necessary siding and tracks over any lands which may intervene between the Railway or Tram-way and the lands on which said material shall be found; whatever the distance may be; and all the provisions of the "Railway Act" and of this Act, except such as relate to filing plans and publication of notice, shall apply and may be used and exercised to obtain the right of way from the Railway or Tram-way to the lands on which such materials are situated, and such right may be so acquired for a term of years or permanently, as the Company may think proper; and the powers in this and the preceding section may at all times be exercised and used in all respects after the Railway or Tram-way is constructed for the purpose of repairing and maintaining the said Railway or Tram-way.
18. It shall not be lawful for the said Company to divert permanently or change the line of any public road or highway without the consent of the municipality in which such highway or public road is situate, until they have made a plan of such deviation and submitted the same to the person performing, for the time being, the duties of the Government Inspector of Railways for his approval, a copy of which plan, signed by said Inspector, shall be deposited with the Clerk of the Peace of the County or United Counties in which said diversion is situate; and the said Company, upon obtaining such sanction and filing said plan, may divert such public road or highway in the manner shown on the said plan; and further, in every case of making a deviation, as above provided for, the Company shall have all the powers for acquiring the land necessary for the location of the new road or highway, and for any materials necessary to construct the same, and shall possess all the powers given by this Act for the acquiring of land or materials; and also the said Company, in all such cases, shall place the new road or highway as near as can be in the same state of repair as the original road so diverted may have been in at the time of such diversion; and in all such cases, if the Company require it for their Railway or Tram-way purposes, and in that case only they shall have the right to take possession of and use the original highway so diverted. Provided always, and it is hereby enacted that the Company may, with the consent of any municipality in which any public road or highway is situate, take, use and occupy any public allowance for road for the purposes of said Rail or Tram-way, the consent of any such municipality to be given by resolution or by-law, as the Municipal Council of such municipality may determine.
19. 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.
20. The said Railway or Tram-way shall be commenced within two years and completed within seven years after the passing of this Act.
21. The said Company incorporated by this Act may enter into any arrangement with The Grand Trunk Railway Company of Canada for the working of the said Rail or Tram-way on such terms as the said two Companies may agree upon, or the said Company may lease the said Rail or Tram-way on such terms and conditions and for such period and at such rent as may be fixed and determined by the Directors of the said Companies.

Power to lay down tracks to gravel pits over intervening lands.

Formalities to be observed before diverting a public road or highway.

Provide.

Limitation of actions.

Commencement and completion of road.

Road may be leased to, or worked by G. T. R. Co. of Canada.

In either case
Acts relating
to G. T. R. Co
to apply.

22. And in case of any such arrangement or lease, or of any agreement being made by the said The Grand Trunk Railway Company of Canada for working the said Railway or Tramway as aforesaid, the said The Grand Trunk Railway Company of Canada may and they are hereby authorized to work the said Rail or Tramway in the same manner and in all respects as if incorporated with their own line; and all the Acts and parts of Acts relating to the powers of the said The Grand Trunk Railway Company of Canada, for protecting their line and working the same, shall apply to the said Railway or Tramway. 5 10

G. T. R. Co.
and Municipal
Corporations
may subscribe
for stock.

23. The Grand Trunk Railway Company of Canada may subscribe for and become the holders of stock in the said Company, and the Managing Director for the time being may, under the authority of the direction of the said Company, subscribe for said stock and represent said stock, and vote thereon at all general and special meetings of the said Company incorporated under this Act; and any and all municipal corporations on the line of the said Rail or Tramway may, by resolution of the Municipal Council, authorize the Reeve or head of such corporation to subscribe for stock in this Company in the name of said corporation; and the head of said corporation for the time being shall have full power to, and shall at all general and special meetings of the Company, in the name of such corporation, vote upon and represent such stock. 15 20

Public Act;

24. This Act shall be a public Act.