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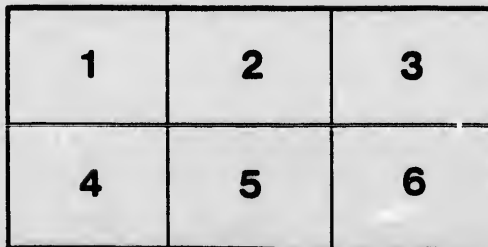
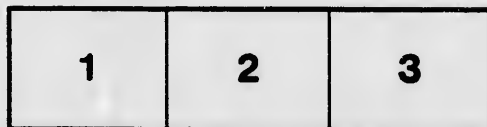
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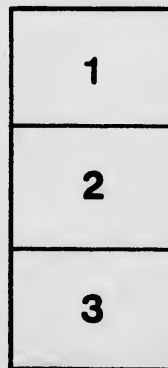
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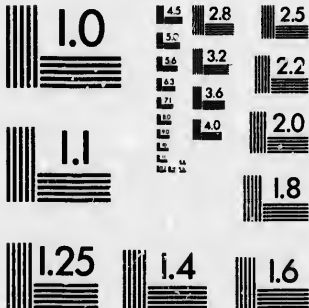
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# ACTS OF INCORPORATION,

TOGETHER WITH EXTRACT FROM THE

GENERAL RAILWAY ACT;

ALSO,

THE ACTS IN AID OF RAILWAYS AND ORDER IN  
COUNCIL THEREUNDER

RELATING TO THE

HAMILTON AND NORTH-WESTERN RAILWAY

Hamilton, Ontario, May, 1874.

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HAMILTON.

PRINTED AT THE SPECTATOR PUBLISHING HOUSE, CORNER MAIN AND JAMES STREETS.

1874.

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THE  
HAMILTON AND NORTH-WESTERN RAILWAY  
COMPANY.

---

PRESIDENT :

JOHN STUART, M. P., HAMILTON.

VICE-PRESIDENT :

ANTHONY COPP, HAMILTON.

DIRECTORS :

WILLIAM HENDRIE, HAMILTON.  
MATHIEW LEGGAT, do  
JAMES TURNER, do  
THOMAS SAUNDERS, do  
JOHN FIELD, do  
P. W. DAYFOOT, do

(one vacancy.)

THOMAS ATKINS, WARDEN, County of Simcoe (*ex-officio.*)

SECRETARY :

MAITLAND YOUNG.

CHIEF ENGINEER :

C. F. DUTTON.

SOLICITORS :

BURTON, BRUCE AND WALKER.

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HAMILTON, ONTARIO, MAY, 1874.

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## An Act to incorporate the Hamilton and North-Western Railway Company.

*Whereas* Anthony Copp, James Turner, William E. Sanford, P. W. Dayfoot, Thomas Saunders, Dennis Moore, Adam Hope, A. F. Skinner, George H. Gillespie, Alexander Harvey, William McGiverin, C. Gurney, Jacob Hespeler, A. T. Wood, D. B. Chisholm, D. McInnes, Edward Jackson, Tristram Bickle, K. Fitzpatrick, Adam Brown, Thomas Ferguson, M. P. P., and others, have petitioned the Legislature of this Province for an Act of Incorporation to construct a railway from some point in or near the City of Hamilton, through the Counties of Wentworth, Halton, Peel and Simcoe, or some of them, to a point in or near to Barrie, and thence to a point on Hogg's, Sturgeon or Matchedash Bays, with power to extend the same so as to form a junction with the proposed Canada Central Railway, or the Canada Pacific Railway, or one or both of them, which would develop the resources of that part of the country and open up for settlement a large tract of country at present unimproved and lying waste, and it is expedient to grant the prayer of such petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said parties above named, together with such persons and corporations as shall in pursuance of this Act become shareholders in the said company hereby incorporated, shall become and are hereby declared to be a body corporate and politic by the name of "The Hamilton and North-Western Railway Company."

2. The several clauses of the Railway Act of the Consolidated Statutes of Canada and amendments with respect to the first, second, third, fourth, fifth and sixth clauses thereof, and also the several clauses thereof with respect to "interpretation," "incorporation," "powers," "plans and surveys," "lands and

Preamble.

Incorporation:

Name.

Certain clauses of the Railway Act to apply.

their valuation," "highways and bridges," "fences," "tolls," "general meetings," "president and directors, their election and duties," "calls," "shares and their transfer," "municipalities," "shareholders," "actions for indemnity," and "fines and penalties and their prosecution," "by-laws," "notices, &c.," "working of the railway," and "general provisions," shall be incorporated with and be deemed to be part of this Act and shall apply to the said company and to the railway to be constructed by them, except so far as they may be inconsistent with the enactments hereof; and the expression "this Act," when used herein shall be understood to include the clauses of the said Railway Act so incorporated with this Act as aforesaid.

Location of  
railway.

3. The company hereby incorporated and their agents or servants, shall have full power and authority under this Act to lay out, construct and finish an iron railway from such point near or within the limits of the City of Hamilton, on the shore of Burlington Bay, or as near thereto as may be deemed desirable, and continuing the same through the Counties of Wentworth, Halton, Peel and Simcoe, to a point on one of the bays bordering on the Township of Tay, and with power to continue the same towards or to Lake Nipissing, so as to form a junction with the proposed Canada Central or the Canada Pacific Railway, or both of them, and with power to construct the same in sections and with power to extend the same to the waters of Lake Simcoe at or near to Barrie; and it shall and may be lawful for the said company to take and appropriate for the use of said railway and the works connected therewith so much of the land as may be necessary for the works of the said railway, but not to alienate the same.

Capital stock.

4. The capital of the company hereby incorporated shall be six hundred thousand dollars, with power to increase the same in the manner provided by the Railway Act, to be divided into six thousand shares of one hundred dollars each; and shall be raised by the persons and corporations who may become shareholders in such company; and the money so raised shall be applied in the first place to the payment of all expenses for procuring the passing of this Act and for making the surveys, plans and estimates connected with the works hereby authorized; and the remainder of such money shall be applied to the making, equipment, completion and working of the said railway, and the purposes of this Act.

Provisional  
directors.

5. The said Anthony Copp, Thomas Saunders, P. W. Dayfoot, John Young, W. E. Sanford, James Turner, William McGiverin, Edward Gurney, D. B. Chisholm, James M. Williams, Jacob Hespeler, Simon Plewis, Frederick Haines, Thomas Bowles, John White, James Barbour, John Buch, T. D. McConkey,

George Davis, John Kidd and Alfred A. Thompson, shall be and are hereby constituted a board of provisional directors of the said company, and shall hold office as such until other directors shall be appointed under the provisions of this Act by the shareholders; and it shall be lawful for the provisional directors for the time being of the said company, or a majority of the directors present at a meeting called for the purpose to supply the place or places of any of their number from time to time dying or declining or becoming incapable to act as such provisional directors, and to associate with themselves at a meeting of directors called for the purpose of deciding thereon, not more than five other directors, who shall thereupon become and be directors of the company equally with themselves, which appointments, whether by reason of death or resignation, or the association of not more than five other directors, shall be made from the several subscribers for stock in the said railway company to the amount of five hundred dollars each during the period of their continuance in office and on which ten per cent. shall have been paid.

6. The said board of provisional directors shall have full power to open up stock books and procure subscriptions for the undertaking, to make calls upon the subscribers, to cause surveys and plans to be executed and to call a general meeting of the shareholders for the election of directors as hereinafter provided; and such provisional directors may appoint a committee from their number to open such stock books giving at least three weeks' notice in the *Ontario Gazette* and one paper published in the City of Hamilton and some one paper published in each county through which the road is proposed to pass of the time and place of meeting to open such books and receive such subscriptions and the said committee or a majority of them may in their discretion exclude any person from subscribing who in their judgment would hinder or delay the company in proceeding with their railway.

Powers of  
provisional  
directors.

7. When and so soon as shares to the amount of two hundred thousand dollars in the capital stock of the company shall have been subscribed and ten per cent. shall have been paid into one of the chartered banks of the Province or of the Dominion or when and so soon as such subscriptions together with sums granted by municipalities either by way of bonus or in the subscription to the capital stock shall amount to such sum of two hundred thousand dollars and the debentures granted in payment of such bonus or subscription shall have been deposited in one of the chartered banks of the Province or with the Provincial Treasurer in the names of the trustees as hereinafter provided, the provisional directors or a majority of them present

When meeting  
for election of  
directors may be  
called.

at a meeting duly called for the purpose shall call a meeting of the subscribers for the purpose of electing directors giving at least three weeks' notice in a paper published in the City of Hamilton and in each of the counties affected and in the *Ontario Gazette* of the time, place and object of such meeting and at such general meeting the shareholders present either in person or by proxy and who shall at the opening of such meeting have paid ten per cent. on the stock subscribed by them shall elect nine persons to be directors of the said company in manner and qualified as hereinafter directed, which said directors together with *ex-officio* directors under the Railway Act or this Act shall constitute a board of directors and shall hold office until the first Monday of May in the year following their election.

Who may vote at such meeting.

Sums and debentures deposited, application of.

8. The sums so paid shall not be withdrawn from the bank except for the purposes of this Act, nor shall the debentures so deposited be otherwise applied than to the purposes of the railway as defined in the by-law or agreement between the municipality or municipalities granting the same and the railway company in relation thereto.

Power to limit amount of calls.

9. The directors for the time being may from time to time make calls as they shall think fit provided that no calls shall be made at any one time of more than ten per cent. of the amount subscribed by each shareholder and thirty days notice shall be given of each call as provided in section seven.

General annual meetings.

10. Thereafter the general annual meeting of the shareholders of the said company shall be held in such place in the City of Hamilton, and on such days and on such hours as may be directed by the by-laws of the said company; and public notice thereof shall be given at least four weeks previously in the *Ontario Gazette*, and once a week in one daily newspaper published in the City of Hamilton and in some one newspaper in each of the counties which have granted bonuses or subscribed for stock.

Special general meetings.

11. Special general meetings of the shareholders of the said company may be held at such places in the City of Hamilton and at such times and in such manner and for such purposes as may be provided by the by-laws of the said company upon such notice as is provided in the last preceding section.

Qualification of directors.

12. In the election of directors under this Act no person shall be elected a director unless he shall be the holder and owner of at least ten shares of the stock of the said company upon which all calls have been paid up.

Shareholders, right to vote, etc

13. 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.

14. At all meetings of the board of directors whether of provisional directors or of those elected by the shareholders five directors shall form a quorum for the transaction of business ; and the said Board of Directors may employ one of their number as paid director.

Quorum.

15. In case at least fifty of the persons rated on the last assessment roll as freeholders who may be qualified voters under the Municipal Act in any portion of a municipality do petition the council of such municipality to pass a by-law as hereinafter set out, and in such petition to define the metes and bounds of the section of the municipality within which the property of the petitioners is situated, or in the case of a county municipality if fifty persons at least of the qualified ratepayers within the portion of the county affected, or the majority of the reeves and deputy-reeves for those townships, towns or incorporated villages that may be asked to grant a bonus, do petition the council of such county municipality to pass a by-law as hereinafter set out, and in such petition do define the townships, towns or incorporated villages in which they are respectively the reeves and deputy-reeves, and expressing the desire of the said petitioners to aid in the construction of the said railway by granting a bonus to the said company for this purpose, and stating the amount which they so desire to grant and to be assessed therefor, and in such petition do define the municipalities or portions of municipalities that may be asked to grant such aid, the council of such municipality or county municipality, as the case may be, shall pass a by-law and submit the said by-law to the vote of the qualified ratepayers of the municipality or municipalities or portion of such municipality or municipalities defined in said petition :—

Aid from municipalities.

(1.) For raising the amount so petitioned for by such freeholders or such reeves and deputy-reeves in such portion of the municipality by the issue of debentures of the municipality payable in twenty years or earlier or by annual instalments and for the delivery to trustees of the debentures for the amount of said bonus at the times and on the terms specified in said petition.

(2.) For assessing and levying upon all the rateable property lying within the section defined by said petition an annual special rate sufficient to include a sinking fund for the repayment of the debentures with interest thereon, said interest to be payable yearly or half-yearly, which debentures the municipal councils and the wardens, reeves and other officers thereof are hereby authorized to execute and issue in such cases respect-

ively, provided the said by-law shall be approved of as in sections two hundred and twenty-six, two hundred and twenty-seven and two hundred and twenty-eight of the Municipal Act of one thousand eight hundred and sixty-six, chapter fifty-one, by a majority of qualified electors voting thereon in the municipality or portion of municipality petitioning as aforesaid.

After passing by-law, debentures at issue.

**16.** It shall be the duty of the warden or other head of the council upon such petition to call a meeting of the council for the purpose of introducing such by-law and submitting the same to the ratepayers; and within one month after the passing of such by-law the said council and the warden, mayor, reeve or other head thereof and the other officers thereof shall issue the debentures for the bonus thereby granted and deliver the same to the trustees appointed or to be appointed under this Act.

Assessment on portion of a municipality.

**17.** In case any bonus be so granted by a portion of a local municipality or county municipality the rate to be levied for payment of the debentures issued therefor; and the interest thereon, shall be assessed and levied upon such portion only of the municipality or county municipality.

Municipal Acts applied.

**18.** The provisions of the Municipal Acts so far as the same are not inconsistent with this Act shall apply to any by-law so passed by or for a portion of a municipality or county municipality to the same extent as if the same had been passed by or for the whole municipality or county municipality.

Assessment not to exceed three cents in the dollar.

**19.** All by-laws to be submitted to such vote for granting bonuses to the said company not requiring the levying of a greater annual rate than three cents in the dollar of the ratable property affected thereby shall be valid.

Power to exempt from taxation.

**20.** It shall further be lawful for the corporation of any municipality through any part of which the railway of the said company passes or is situate, by by-law especially passed for that purpose to exempt the said company and its property within such municipality either in whole or in part from municipal assessment or taxation, or to agree to a certain sum per annum or otherwise in gross or by way of commutation or composition for payment or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as to such municipal corporation may seem expedient not exceeding twenty-one years.

Municipal directors.

**21.** Any county municipality which shall grant a bonus of not less than five thousand dollars per mile for the line of the railway within the said county in aid of the said company shall be entitled through its council to name its warden as director in the said company as the representative of such municipality;

and such directors shall be in addition to all shareholders directors in the said company and shall not require to be a shareholder in the said company and shall continue in office as director in the said company until his successor shall be appointed by the municipality which he represents.

22. Whenever a municipality or municipalities shall grant a bonus to aid the said company, the debentures therefor shall be within six weeks after the passing of the by-law delivered to three trustees, one to be named by the company, one by the municipalities granting such bonuses, and one by the Lieutenant Governor in council; Provided always that if the municipal councils interested shall refuse or neglect to name a trustee within four weeks after notice in writing to them of the appointment by the company then the company shall be at liberty to name such trustee; in the event of the death, resignation or inability or refusal to act of any trustee the party who originally appointed such trustee so dying, resigning or becoming incapable or unwilling to act may appoint a successor and in the event of such party failing for two weeks after notice in writing to make such appointment the company may appoint such trustee.

Municipal debentures, delivery to trustees.

23. The said trustees shall receive the said debentures in trust; firstly to convert the same into money; secondly to deposit the amount realized from the sale of such debentures in some one or more of the chartered banks having an office in the City of Hamilton in the name of the Hamilton and North-Western Railway Municipal Trust Account, and to pay the same out to the said company from time to time on the certificate of the chief engineer of the said railway in the form set out in Schedule "A" hereto or to the like effect setting out the portion of the railway to which the money to be paid out is applied and the total amount expended on such portion to the date of the certificate and such certificate to be attached to the cheque to be drawn by the said trustees.

Trust of debentures.

24. The act of any two of such trustees to be as valid and binding as if the three had agreed.

Two trustees may bind the three.

25. Any county in which is or are situate a township or townships or portion of a township that shall grant a bonus or bonuses in aid of the said company shall be at liberty to take the debentures issued by such township or townships or portion of a township and in exchange therefor to hand over to the trustees under this Act the debentures of the county on a resolution being passed to that effect by a majority of the county council.

Township may be exchanged for county debentures.

26. The directors of the said company, after the sanction of shareholders shall have been first obtained at any special



Power to issue bonds preferential.

Limit to issue bonds.

Rights of unpaid bondholders.

Bonds, etc., transferable by delivery.

Power to become parties to notes, etc.

general meeting to be called, from time to time for such purpose, shall have power to issue bonds, made and signed by the president and vice-president of the said company, and countersigned by the secretary and under the seal of the said company, for the purpose of raising money [for prosecuting the said undertaking; and such bonds shall, without registration or formal conveyance, be taken and considered to be the first and preferential claims and charges upon the undertaking and the property of the company, real and personal, then existing and at any time thereafter acquired, and each holder of the said bonds shall be deemed to be a mortgagee and incumbrancer *pro rata* with all the other holders thereof upon the undertaking and the property of the company as aforesaid; Provided however, that the whole amount of such issue of bonds shall not exceed in all the sum of ten thousand dollars per mile, nor shall the amount of such bonds issued at any one time be in excess of the amount actually expended in surveys, purchase of right of way, and works of construction and equipment upon the line of the said railway, or material actually purchased, paid for and delivered to the company within the Provinces of Ontario for Quebec; and provided also further, that in the event at any time of the interest upon the said bonds remaining unpaid and owing, then at the next ensuing general annual meeting of the said company, all holders of bonds shall have and possess the same rights and privileges and qualifications for directors and for voting as are attached to shareholders; provided that the bonds and any transfers thereof shall have been first registered in the same manner as is provided for the registration of shares and it shall be the duty of the secretary of the company to register the same on being required to do so by any holder thereof.

27. All such bonds, debentures and other securities and coupons and interest warrants thereon respectively, may be made payable to bearer and transferable by delivery, and any holder of any such so made payable to bearer may sue at law thereon in his own name.

28. The said company shall have power and authority to become parties to promissory notes and bills of exchange, and any such promissory note or bill of exchange made or endorsed by the president or vice-president of the company and countersigned by the secretary of the said company, and under the authority of a quorum of the directors, shall be binding on the said company; and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shewn, and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange, nor shall the

president or vice-president or the secretary be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted: Provided however, that nothing in this section shall be construed to authorize the said company to issue any note or bill of exchange payable to bearer, or intended to be circulated as money, or as the notes or bills of a bank.

29. Whenever it shall be necessary for the purpose of procuring sufficient lands for stations or gravel pits, for constructing, maintaining and using the said railway, and in case by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price, or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use and enjoy such lands, and also the right of way thereto if the same be separated from their railway, and to sell and convey the same or part thereof, from time to time, as they may deem expedient.

Power to acquire whole lots, though less would suffice.

30. The railway shall be commenced within two years, and completed to the waters of the bays aforesaid within five years, and finally completed within seven years after the passing of this Act.

Commencement and completion.

31. The said railway company shall at all times receive and carry cordwood, or any wood or fuel, at a rate not to exceed, for dry wood, three cents per mile per cord, from all stations exceeding fifty miles, and at a rate not exceeding three and a half cents per cord per mile from all stations under fifty miles in full car loads; and for green wood at the rate of two and a half cents per ton per mile; the company shall, further, at all times furnish every facility necessary for the free and unrestrained traffic in cordwood to as large an extent as in the case of other freight carried over the said railway.

Rates for carrying wood.

32. The company incorporated by this Act may enter into any arrangement with any other railway company or companies for the working of the said railway on such terms and conditions as the directors of the several companies may agree on, or for leasing or hiring from such other company or companies any portion of their railway, or the use thereof, or for the leasing or hiring any locomotives or other moveable property from such companies or persons, and generally to make any agreement or agreements with any other company touching the use by one or the other, or both companies of the railway or rolling stock, of either or both, or any part thereof, or touching any service to be rendered by the one company to the other and the compensation therefor, and any such agreement shall be valid and binding

Arrangements may be made with other companies.

according to the terms and tenor thereof: provided that the assent of at least two thirds of the shareholders shall be first obtained at a general special meeting to be called for the purpose, according to the by-laws of the company and the provisions of this Act; and the company or companies leasing or entering into agreement for using the said line may and are hereby authorized to work the said railway in the same manner and in all respects as if incorporated with its own line.

Power to  
pledge bonds.

33. The said company hereby incorporated may, from time to time, for advances of money to be made thereon, mortgage or pledge any bonds which they can under the powers of this Act issue for the construction of the railway or otherwise.

Conveyances,  
how made.

34. Conveyances of land to the said company for the purposes of and powers given by this Act made in the form set out in the schedule "A," hereunder written, or the like effect, shall be sufficient conveyances to the said company, their successors and assigns, of the estate or interest and sufficient bar of dower, respectively of all persons executing the same; and such conveyances shall be registered in the same manner and upon such proof of execution as is required under the registry laws of Ontario; and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicate thereof.

#### SCHEDULE "A."

Know all men by these presents, that I, (or we,) [*insert the name or names of the vendors*] in consideration of \_\_\_\_\_ dollars paid to me (or us) by the Hamilton and North-western Railway Company, the receipt whereof is hereby acknowledged, do grant and convey, and I, (or we,) [*insert the names of any other party or parties*] in consideration of \_\_\_\_\_ dollars, paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (or those certain parcels as the case may be,) of land situate (*describe the land*) the same having been selected and laid out by the said company for the purposes of this railway, to hold with the appurtenances unto the said the Hamilton and North-Western Railway Company their successors and assigns, (*here insert any other clauses, covenants or conditions required*), and I, (or we,) the wife (or wives) of the said \_\_\_\_\_ do hereby bar my (or our) dower in the said lands,

As witness my (*or our*) hand and seal (*or hands and seals*)  
 this \_\_\_\_\_ day of \_\_\_\_\_  
 one thousand eight hundred and seventy  
 Signed sealed and delivered }  
 in the presence of }

[L.S.]

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SCHEDULE "B."

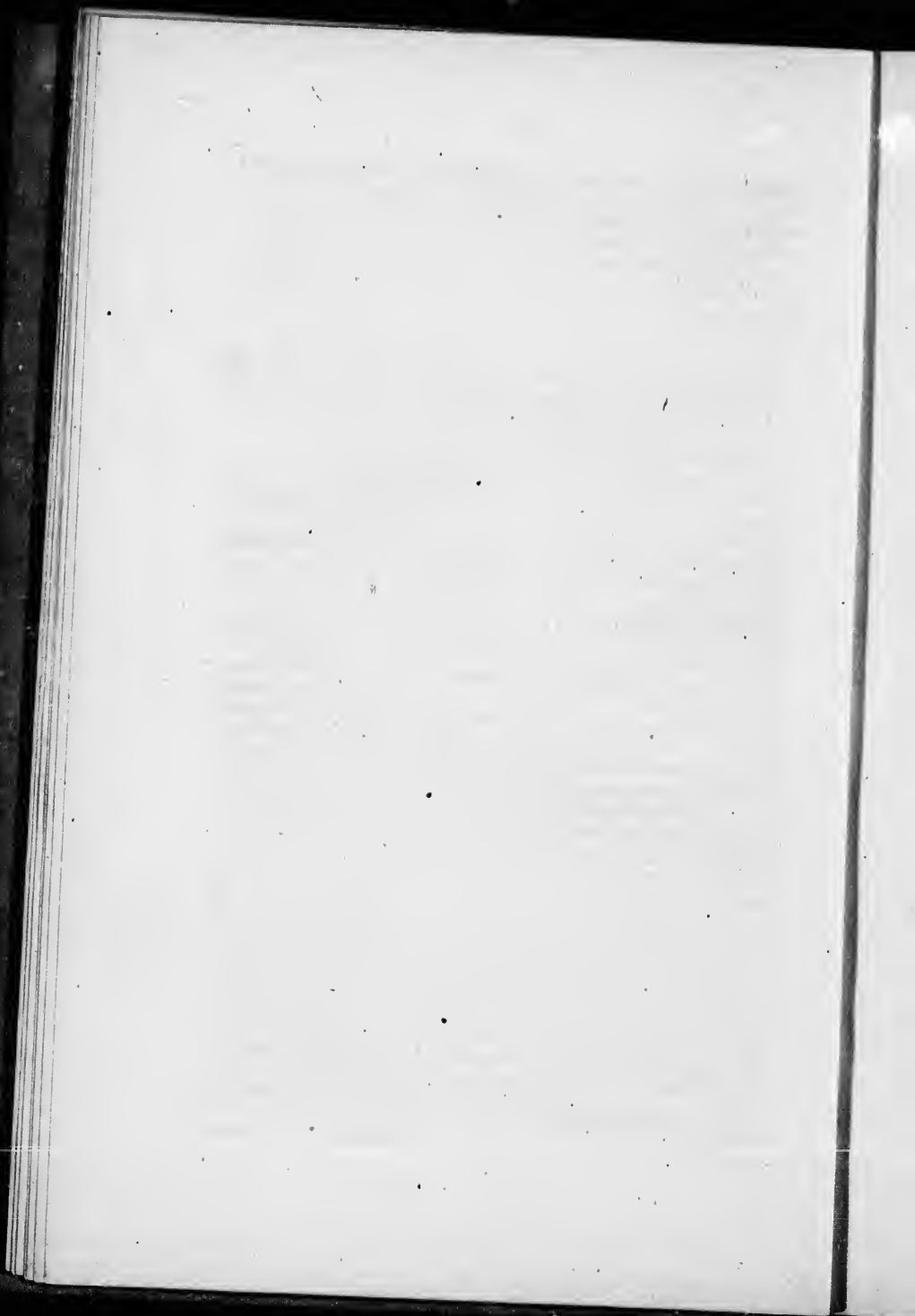
*Chief Engineer's Certificate,*

The Hamilton and North-Western Railway  
 Company's Office,  
 Engineer's Department.  
 A. D. 187 .

No. \_\_\_\_\_  
 Certificate to be attached to cheques drawn on the Hamilton  
 and North-Western Railway Municipal Trust Account, and  
 given under sec. \_\_\_\_\_ of cap.  
 thirty-fifth Victoria.

I, \_\_\_\_\_ Chief Engineer  
 of the Hamilton and North-Western Railway Company, do  
 hereby certify that there has been expended in the construc-  
 tion of mile, No. \_\_\_\_\_ (the said mileage being  
 numbered, consecutively from the City of Hamilton,) the sum  
 of \_\_\_\_\_ dollars to date, and that the  
 total *pro rata* amount due for the same from the said municipi-  
 pal trust account amounts to the sum of  
 \_\_\_\_\_ dollars, which said sum of  
 \_\_\_\_\_ dollars is now due and payable as provided under said Act.

2-128



**An Act to amend the Act incorporating the Hamilton and North-Western Railway Company, and to enable them to extend their line to Collingwood.**

*Whereas* the Hamilton and North Western Railway Company Preamble. have prayed for certain amendments to their charter, and for power to extend their line of railway from some point on the main line to the Town of Collingwood, and it is expedient to grant the prayer of the said petition :

Her Majesty, therefore, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. The said company may construct a branch from any point of its main line within the County of Simcoe to the water's edge of Lake Huron in the Town of Collingwood, and the several clauses of the Act respecting railways which are referred to in the Act incorporating the said Hamilton and North Western Railway, and all the powers conferred by such last mentioned Act, shall be taken, held and construed to apply to the said branch line as fully and effectually as if such branch line had been specially authorized in and by such last mentioned Act: Provided the construction thereof be commenced within two years from the passing of this Act, and completed within five years thereafter. Branch line to Collingwood.

2. It shall and may be lawful for any municipality or portion of a municipality, whether the same shall be a township or a county municipality, that may pass a by-law to aid the said Hamilton and North Western Railway Company to declare in the by-law that the debentures shall be delivered to the trustees, in the manner and upon the trusts provided for and declared in the twenty-second and twenty-third clauses of the said Act, or to vary the said trusts in and by the said by-law in such a manner as may be agreed on between the council and the company, or to do so by a separate agreement specifying the terms on which the same may be converted into money or delivered to the company, and generally to make such arrangements respecting the conditions Municipalities aiding may declare the trusts upon which the debentures are to be held.

Innisfil by-law,  
&c., confirmed.

or disposition of such bonus as may be found advisable, which agreements the said municipal Council and the Directors of the company are hereby respectively authorized to make; and it is hereby declared that a by-law passed by the Township of Innisfil, granting aid to the said railway company, to the extent of twenty thousand dollars, and the agreements entered into between the railway company and the corporation of the said township, and a bond given by the said company for the due performance of the terms of the said agreement shall be good, valid and effectual and binding upon the corporation and company respectively.

Certain agree-  
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made with  
municipalities  
aiding.

3. It shall further be lawful for the said company to enter into an agreement with any municipality which may grant a bonus, or which may form a portion of a county municipality or section of a municipality granting a bonus in aid of the said railway, defining the location of the said line, and the time within which the road shall be completed, and the portions of the railway or branch on which the bonus shall be expended, the place where stations are to be erected, or such other matters of detail as may be agreed on between the company and such municipality, and such agreement shall be good and valid in law.

Municipalities  
aiding may  
extend the time  
for completing  
certain works.

4. The council of any municipality which has aided or assisted, or may aid or assist the said company, may, upon the application of the company, in its discretion, grant such extension of time as they may think fit, for the performance or fulfilment by the company of any works or conditions stipulated for in respect of such aid or assistance.

35 V. c. 25, s. 15,  
amended.

5. The fifteenth section of the said Act is hereby amended, so as to extend its provisions to a municipality, as well as to a portion of a municipality; and such by-laws as are therein referred to, shall be submitted to the ratepayers within six weeks after the warden, mayor, reeve or other head of such municipality shall receive such petition as is therein referred to, signed by at least fifty ratepayers who are qualified voters residing within such municipality, and the said fifteenth section is to be read or varied by the provisions herein contained.

Time for com-  
mencement of  
railway extended

6. The said railway shall be commenced within two years from the passing of this Act, instead of at the period mentioned in the second recited Act, or, in default, the charter of the company shall be forfeited, and the powers hereby conferred upon them shall cease and determine.

Requisites of by-  
laws with  
respect to rates.

7. In any by-law, which has been, or may be, submitted for granting aid to the said railway, it shall not be necessary to raise an equal annual special rate in the dollar for paying the interest and creating an equal yearly sinking fund for paying the principal, but it shall be sufficient to state a rate which shall be sufficient to

the interest and the principal of the debentures at the time or times that the same shall be made payable.

8. The twenty-third section of the said Act is hereby amended, so that the respective deposits therein referred to shall specify the particular municipality from which the same was derived, and the money shall, in each case, be carried to a separate account, to be called the Hamilton and North Western Railway Municipal Trust Account for the county or township, or other municipalities, (*as the case may be*), specifying the particular municipality from the proceeds of whose debentures the funds were derived, and the same shall be paid out on the certificate of the engineer, and upon such other terms as may be mentioned in the agreement delivered to the trustees at the time the said debentures shall be deposited with them. 35 V., cap. 55,  
s. 23 amended.

9. The tenth section of the said Act is hereby amended by striking out so much thereof as renders it necessary to publish a notice of the meeting in some one newspaper in each of the counties which have granted bonuses to the said railway. Sec. 10 amended.

10. The Corporation of the city of Hamilton may and is hereby empowered to grant by way of gift to the said Company in addition to any other bonus, any shares, bonds for debentures which it may hold in any other Company, and to granting lands belonging to the municipality which may be required for right of way or station grounds or other purposes connected with the operating of the said railway: and the said Company shall have power to accept the said gifts or grants: but the by-law making any such grant shall be approved of by the ratepayers in manner provided by the Municipal Institutions' Act in respect of by-laws for the creation of debts.

11. The County of Simcoe, in the event of its granting a bonus of not less than three hundred thousand dollars in aid of the said railway, or in the event of such grant being made by any section or sections of the county, shall be entitled through its council to name a director in the company as its representative, who shall not require to be a shareholder in the said company.



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37 Vic.]

[1874.]

**An Act further to amend the Act incorporating the Hamilton and North-Western Railway Company.**

*Whereas*, The Hamilton and North-Western Railway Company have petitioned for certain amendments to their charter, more especially as regards their borrowing powers, and it is expedient to grant the same: Preamble.

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

1. The twenty-sixth and twenty-seventh sections of the Act, passed in the thirty-fifth year of Her Majesty's reign, intituled "An Act to incorporate the Hamilton and North-Western Railway Company," are hereby repealed. 35 Vic., c. 55, ss. 26 and 27, repealed.

2. All bonds, debentures, and other securities, and coupons and interest warrants thereon, respectively, may be made payable to bearer or order, and transferable by endorsement or delivery, and any holder of such securities may sue thereon in his or her own name; and may be so issued under the provisions of the Railway Act. Bonds &c. may be made payable to bearer.

3. The periods referred to in the sixteenth and twenty-second clauses of the said Act, shall be one month and six weeks respectively, after the day named in the by-laws for the same to take effect and come into operation, instead of from the time of the passing of the by-laws, as therein provided, and the said clauses shall be read as varied by this Act. Time for passing of by-laws and delivery of debentures to trustees extended.

4. Notwithstanding anything in the first section of the Act, passed in the thirty-sixth year of Her Majesty's reign, chaptered eighty-four, it shall be lawful for the Company to extend their line into the waters of the Georgian Bay at the Town of Collingwood, and their to erect and maintain all necessary and convenient buildings, stations, wharves, and other conveniences for the use and accommodation of the passengers, freight, and business of the railway, subject to the provisions of the Railway Act. Extension of line to Collingwood.

5. It shall be lawful for the directors to accept payment in full for stock from any of the subscribers thereof at the time of subscription, or at any time before the making of a final call thereon, and to allow such per centage or discount thereon, as they may deem expedient and reasonable, and thereupon to issue to each of such subscribers, scrip to the full amount of such stock subscribed. Power to accept payment in full of stock at any time.

Power to construct or equip line by contract.

6. It shall be lawful for the directors to enter into a contract or contracts with any individual or association of individuals for the construction or equipment of the line or any portion thereof, including or excluding the purchase of the right of way, and to pay therefor either in cash or bonds or in paid up stock, notwithstanding that one or more of such contractors may be shareholders or directors in the Company: Provided that no such contract shall be of any force or validity, till approved of by two-thirds of the shareholders present in person or by proxy at a meeting specially convened for considering the same.

35 Vic., c. 55, s. 9, amended.

7. Section number nine of the first recited Act, is amended by striking out the words "as provided in section seven," and substituting in lieu thereof, "in the *Official Gazette* of Ontario."

S. 23 amended.

8. Section twenty-three is amended by the substitution of schedule B for schedule A, and the said section shall be read as varied by this Act.

Councils of aiding municipalities may consent to vary agreements as to route &c.

9. The council of any municipality, or any minor municipality, comprised in a section of a county municipality, which has aided or may aid the said railway, by granting a bonus thereto, may, on the application of the company from time to time, consent to the conditions of the agreements made with such municipality, as to the route of the railway mentioned therein, being varied to such extent and in such manner as an actual survey of the line may render necessary or expedient, and to the extent of such alterations the original agreement may be varied accordingly: Provided always that nothing herein contained shall be construed as authorizing the council to sanction any deviation from the line originally agreed on, beyond what may be found necessary or expedient from natural or engineering difficulties; and provided also that it shall be lawful for the Company in any such case to enter into an agreement with such municipality for the gravelling or macadamizing any road leading to the said railway: In case the council of a municipality or minor municipality cannot agree with the said Railway Company as to what deviation should be made owing to such natural or engineering difficulties, the said council and said Railway Company respectively shall each appoint an arbitrator and such two arbitrators and the County Judge, or some person appointed by him to act as arbitrator in his stead, shall finally determine the matter.

Certain municipal by-laws confirmed.

10. The by-laws passed by the County of Peel, the City of Hamilton, and the Town of Collingwood, granting aid to the said railway, and all debentures issued thereunder are, and the same are hereby declared to be valid and binding.

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## Extract from General Railway Act.

CON. STAT. CANADA, CHAP. 66.

Section 9, Sub-Section 11.

The Company shall have power and authority to borrow from Borrow money, time to time, either in this province or elsewhere, such sums of <sup>acc.</sup> money as may be expedient for completing, maintaining and working the railway, and at a rate of interest not exceeding eight per cent. per annum, and to make the bonds, debentures or other securities granted for the sums so borrowed, payable either in currency or in sterling, and at such place or places within this Province or without as may be deemed advisable, and to sell the same at such prices or discount as may be deemed expedient, or be necessary, and to hypothecate, mortgage or pledge the lands, tolls, revenues and other property of the Company for the due payment of the said sums and the interest thereon, but no such debenture shall be for a less sum than one hundred dollars.

34 Vic.]

[Chap. 2.

## An Act in Aid of Railways.

[Assented to 15th February, 1871.]

Whereas, it is expedient to give aid towards the construction Preamble. of railways leading to or through sections of the country remote from existing thoroughfares, or passing through thinly settled tracts, or leading to the Free Grant Territory, or to the inland waters; Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. For the purposes aforesaid the sum of one million five hundred thousand dollars shall be set apart from and out of the Consolidated Revenue Fund of this Province, and form a fund to be designated and known as the "Railway Fund."

"Railway Fund" formed from Consolidated Revenue Fund.

2. From and out of the said Railway Fund the Lieutenant-Governor in Council may, by order in Council, authorize payments to be made from time to time to any incorporated railway company of a sum or sums of not less than two thousand dollars per mile nor more than four thousand dollars per mile of any portion or portions of such railway, and that any of such

Lieutenant-Governor in Council may grant aid to certain railways

payments may be made after the Commissioner of Agriculture and Public Works shall have reported, for the information of the Lieutenant-Governor in Council, that such company has completed such portion of its road in respect of which payment is to be made, including sidings and stations, within the period for completion of the road named in the Act or Acts relating thereto; Provided, that no payment shall be made under any such authority till the said Commissioner shall have reported as aforesaid.

Proviso.

Proof to be furnished by railway asking aid.

3. No such authority shall be given in respect of any portion of a railway for the construction of which portion a contract has been entered into prior to the seventh day of December, in the year of our Lord one thousand eight hundred and seventy, nor until the company desirous of obtaining aid and payment out of the said Railway Fund, shall have furnished proof, to the satisfaction of the Lieutenant-Governor in Council that the *bona fide* subscribed capital of the Company, together with any bonuses or loans by municipal corporations thereto, and the proceeds of bonds to be issued or authorized by the Act incorporating the company or any Act amending the same, leaves no reasonable doubt that such road, or portion or portions thereof in respect of which payment is to be made, shall be commenced and completed, including sidings and station houses, so as to be ready for the rolling stock within the period mentioned in such Act or Acts for completion of the railway; and that any such Act or Acts authorizes the construction of a railway as referred to in the preamble of this Act.

35 Vic.]

[Chap. 23.

### An Act to make further provision touching the appropriation of the Railway Fund.

[Assented to 2nd March, 1872.]

Preamble.

Whereas, it is expedient to give the Legislative Assembly additional control over the appropriation to particular works of the fund created by the Act in aid of Railways;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Orders in Council appropriating railway fund to be submitted to the legislature.

1. Every Order in Council made after the seventh day of December, in the year one thousand eight hundred and seventy-one, authorizing payment to any railway company of any part

of the said fund shall, as soon as conveniently may be after the making of such order, be laid before the Legislative Assembly for its ratification or rejection; and no such order shall be operative unless and until the same shall have been ratified by a resolution of the Legislative Assembly.

2. Every Order in Council made under the provisions of the Act in Aid of Railways, and of this Act, shall be published in the next following issue of the *Ontario Gazette*. Orders to be published.

35 Vic.]

[Chap. 24.]

## An Act to make further Provision in aid of Railways.

[Assented to 2nd March, 1872.]

*Whereas*, the Legislature having established a scheme for Preamble. aiding in the construction of railways, it is right that the public funds, appropriated for that purpose, should be adequate to the granting of aid to all proper enterprises, so far as that can be accomplished consistently with the retention of such a proportion of the public funds as may be requisite to do justice to all sections of the country and to an extent not greater than is provided by this Act, and whereas it is therefore expedient to make further provision in aid of Railways;

Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

1. The sum of Four Hundred Thousand Dollars shall be set apart from and out of the Consolidated Revenue Fund of this Province, and shall be added to and form part of the fund designated and known as the Railway Fund, established under the Act in Aid of Railways. Railway fund augmented.

2. The sum of One Hundred Thousand Dollars yearly, for twenty years, shall be set apart from and out of the Consolidated Revenue Fund of this Province, and shall form a Fund to be designated and known as the Railway Subsidy Fund. Railway subsidy fund established

3. The provisions of the Act in Aid of Railways, and of any Act amending the same, shall, save in so far as they may be inconsistent with the provisions of this Act, apply to the authorization and payment of any grant out of the Railway Subsidy Fund. Act in aid of railways to apply.

4. The sum to be granted to any Railway Company out of the Railway Subsidy Fund shall not be less than one hundred and twenty dollars, or more than two hundred and forty Grants out of fund.

dollars per mile per annum for twenty years on the portion aided.

Scrip.

5. Scrip or certificates may be issued in respect of any grant out of the Railway Subsidy Fund after payment thereof has been duly authorized, and the Commissioner of Agriculture and Public Works has duly reported as provided by the Act in Aid of Railways.

Railways not to get aid from both funds.

6. No railway company of whose line any portion is aided from the Railway Fund, shall be entitled to aid from the Railway Subsidy Fund in respect of such portion.

Railway companies to comply with conditions.

7. No railway company which does not come within the terms and provisions, and comply with the conditions of the Act in Aid of Railways, and any Act amending the same, shall be entitled to aid from the Railway Subsidy Fund.

when railway subsidy fund shall not be applied to aid.

8. No portion of the Railway Subsidy Fund, provided by this Act, shall be applied in aid of Railways until such time as Orders in Council shall have been passed exhausting the whole of the Railway Fund appropriated by this Act, and the Act passed in the thirty-fourth year of the reign of Her Majesty, Queen-Victoria, and chaptered two.

**Order in Council with reference to the Hamilton and North Western Railway; approved by the Lieutenant Governor on 19th March, 1874, and ratified by the Legislative Assembly, 21st March, 1874.**

The Committee of Council have had under consideration the application of the Hamilton and North-Western Railway Company, that it may receive aid from the Railway Funds for their line of Railway.

The Committee advise, that subject to the ratification of this Order in Council by resolution of the Legislative Assembly (in default of which ratification this Order in Council is inoperative) payment be authorized to be made out of the Railway Subsidy Fund to the Company of the sum of two hundred and forty-three dollars per mile for that portion of the line of the Company's Railway between Hamilton and Barrie, and between Clarksville, in the township of Tecumseth, and Collingwood Harbour, such sum to be payable by even half-yearly payments of one hundred and twenty-one dollars and fifty cents each, on the 30th day of June and the 31st day of December in each and every year, during the period of twenty years, to be completed from the first day of January, 1872, and to the full end thereof; and the Committee further advise, that in respect of forty-four

miles of the said railway, where the cost of construction will be exceptionally increased, that the said grant be increased by the yearly sum of forty-eight dollars and sixty cents, payable as aforesaid, and for the full period of twenty years as aforesaid, and that such grant of aid be under and subject to the requirements of the Railway Act, and also to the following further conditions, that is to say,—first, On condition that the Company do, on or before the first day of December next, furnish proof to the satisfaction of His Honor in Council of a *bona fide* and sufficient contract for the completion of the works of the railway (exclusive of track-laying) for the said portions of their line of railway. Second, On condition that His Honor in Council may direct that payment be made to the said Company out of the Railway Fund (should the same become applicable thereto) at the rate of two thousand five hundred dollars per mile of the said portions of railway with the increased grant in respect of the said forty-four miles at the rate of five hundred dollars per mile instead of the said annual mileage rates, at the option of the Lieutenant-Governor in Council. Third, On condition that the said Company agrees to enter into an arrangement at any time hereafter with any other Railway Company for the haulage of the passenger and freight cars for the through business of such last mentioned Company upon terms to be fixed by arbitrations to be appointed by the Lieutenant-Governor in Council in case the said Companies fail to agree thereupon.

And the Committee further advise, that the payment hereby authorized be made in respect of each twenty miles of the said railway when fully completed and ready for the conveyance of traffic.

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