

No. 84.

1st Session, 6th Parliament, 21 Victoria, 1858.

(PRIVATE BILL.)

BILL.

An Act to incorporate a Company for constructing a Tram or Railroad from Colborne to Marmora.

Received and read, first time, Friday, 23rd
April, 1858.

Second reading, Wednesday, 28th April, 1858.

M DCCC.

TORONTO:

PRINTED BY JOHN LOVELL, YONGE STREET.

An Act to authorize the construction of a Tram or Railroad from some point at or near the Marmora Iron Works to some point at or near Colborne Harbour.

WHEREAS certain persons in the County of Northumberland have petitioned that an Act may be passed authorizing the construction of a Tram or Railroad from some point at or near the Marmora Iron Works, in the County of Hastings, to some point at or near Colborne Harbour, in the County of Northumberland; And whereas a Tram or Railroad so constructed would tend to the improvement of the section of country through which it would pass; Therefore Her Majesty, &c., enacts as follows :

Joseph S. Wheeler, J. M. Merriman, R. M. Boucher, N. Bennet, J. M. Grover, M. R. Lockwood, John C. Pennock, Stewart Strong, Donald Campbell, together with such other person or persons, Corporations and Municipalities and Companies, as well Foreign as Provincial, 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 Marmora and Colborne Tram or Railroad Company.

II. The several clauses of the Railway Clauses 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 transfers," " Municipalities," " Shareholder," " 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 Tram or Railroad, except only in so far as 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, construct and complete a Tram or Railroad connection between some point at or near the Marmora Iron Works, in the County of Hastings, and some point at or near Colborne Harbour, in the County of Northumberland.

Forms of
Deeds and
Conveyances
under this
Act.

IV. Deeds and conveyances under this Act for the lands to be conveyed to the said Company for the purpose of this Act, shall and may, so far as the titles 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 deeds; The said Company are to pay the Registrar for so doing the sum of two shillings and sixpence, and no more.

Provisional
Directors.

V. From and after the passing of this Act the said Joseph S. Keeler, J. M. Merriman, R. M. Boucher, N. Bennett, J. M. Grover, M. K. Lockwood, John C. Pennock, Stewart Strong, and Donald Campbell, Esquires, shall be the Provisional Directors of the said Company for carrying into effect the object and purposes of this Act.

Powers and
duties of
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 subscribers for stock in their said Tram or Railroad to the amount of at least 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 Clauses Consolidation Act and of this Act, become invested with or subject to respectively.

First General
Meeting.

VII. When and so soon as shares to an amount equivalent to Provincial currency in the Capital Stock of the said Company shall be taken, and 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 the Village of Colborne of the subscribers for stock in the said Company and have paid 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 ten of the holders of shares in the said Company, holding among them not less than an amount equivalent to 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 Village of Colborne, and also in some one newspaper published in each of the Counties through which the said Tram or Railroad shall pass, 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 Company to an amount of not less than Provincial currency,

Proviso.

Proviso.

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 :
 And provided also, that such Proviso.
 withdrawn from such Bank, or otherwise applied except for the purpose of such Tram or Railroad, or upon the dissolution of the Company from any cause whatever.

VIII. The Directors so elected, or those appointed in their stead in case of vacancy, shall remain in office until the first Wednesday in June, one thousand eight hundred and fifty-nine, 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 shareholders shall be held at the office of the Company 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 Directors to be elected annually. Their duties.
 or more of such shareholders holding together shares at least, that a special general meeting of the shareholders is necessary to be held, it shall be lawful for such or more of them to cause fifteen days notice at least to be given thereof in such newspapers as are hereinafter 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 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 powers by this Act given to them, with respect to the matters so specified only; And all such acts of the shareholders, or the majority of them, at such special meetings assembled, such majority not having either as principals or proxies less than Proviso.
 shares, shall be as valid to all intents and purposes as if the same were done at annual meetings.

IX. For the purpose of making, constructing, and maintaining the Tram or Railroad, and other works necessary for the proper use and enjoyment of the Tram or Railroad 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, 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 Directors may raise money by loan or otherwise.
 , and shares to be issued in sums of Proviso for increase of capital.
 each; Provided always, that the said capital sum may from time to time, if necessary, be increased in the manner provided for in those clauses of the Railway clauses Consolidation Act, which in and by the second section of this Act are expressed to be incorporated with this Act.

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. Directors to issue shares, scrips, &c.

XI. Every proprietor of shares in the said Company shall be entitled, on every occasion when the votes of the members of the said Marmora One vote for each share.

and Colborne Tram or Railroad Company are to be given, to one vote for every share of held by him.

Debentures,
 &c, may be
 payable to
 bearer.

XII. All bonds, debentures, and other securities to be executed by the said Tram or Railroad Company may be payable to bearer, and all such bonds, debentures, or other securities of the said Company, and all dividends and interests 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. 5

Quorum of
 Directors.

XIII. Any meeting of the Directors of the said Company, at which not less than five of such Directors are present, shall be competent to exercise and use all and every of the powers hereby vested in the said Directors. 10

Calls, how
 made.

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 Tram or Railroad Company, shall exceed the sum of per centum upon the amount subscribed for by the respective shareholders in the said Company, and that the amount of any such calls in any one year shall not exceed per centum upon the 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 may be lawful for the Provisional and other Directors of the Company, for the time being, to demand and receive, to and for the use of the said Company, the sum of 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. 15 25

Proviso: ten
 per cent. to
 paid down. be

Company may
 purchase lands
 for gravel pits.

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 Tram or Railroad, for constructing and keeping in repair, and for carrying on the business of the said Tram or Railroad; 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 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 Tram or Railway, or separated therefrom, and if separated therefrom, then with the necessary right of way thereto, any lands, tenements, and hereditaments 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 to 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 land, and from time to time, by deed of bargain and sale, or otherwise, to grant, bargain, sell or convey any portions 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 advantage, the said Tram or Railroad, and other works connected therewith. 30 35 40 45 50

XVI. The said Tram or Railroad shall be commenced within one year after the passing of this Act. Commencement of Railroad.

XVII. The Interpretation Act shall apply to this Act, which shall be deemed a public Act. 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 Marmora and Colborne Tram or Railroad Company, the receipt whereof is hereby acknowledged, grant, bargain, sell, convey, and confirm unto the said Marmora and Colborne Tram or Railroad 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 Tram or Railroad; to have and to hold the said land and premises together with every thing appertaining thereto, to the said Marmora and Colborne Tram or Railroad 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 _____

Signed, sealed and delivered,

A. B. (L. S.), H. L. (L. S.),

In presence of

J. R.