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No. 255.

1st Session, 4th Parliament, 16 Victoria, 1863.

BILL.

**An Act to incorporate the Hamilton and
Port Dover Railway Company.**

**Received and read a first time, Thursday, 10th
March, 1863.**

Second reading, Friday, 11th March, 1863.

SIR ALLAN N. MACNAB.

QUEBEC:

PRINTED BY JOHN LOVELL, MOUNTAIN STREET.

1852-3.]

BILL.

[No. 285.]

An Act to incorporate *The Hamilton and Port Dover Railway Company.*

WHEREAS the construction of a Railway connecting the waters of Burlington Bay, at the City of Hamilton, with the waters of Lake Erie, at or near to Port Dover, must conduce greatly to the welfare of the inhabitants residing on the line of such Railway and in the surrounding country; And whereas

Preamble.

have prayed to be incorporated with the powers requisite for making and maintaining such Railway; Be it therefore enacted, &c.,

Certain persons incorporated.

That

together with such person or persons, Corporations and Municipalities as shall, under the provisions of this Act, become Shareholders in such Company, as is hereinafter 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 Hamilton and Port Dover Railway Company.*

Corporate name.

II. And be it enacted, That 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 Act with respect to "Interpretation," "Incorporation," "Powers,"

Certain clauses of 14 & 15 Vic., chap. 51, incorporated with this Act.

“Plans and Surveys,” “Lands and their Valuation,” “Highways and Bridges,” “Ferries,” “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 expression, “this Act,” whenever used herein.

Line of Railway described.

III. And be it enacted, That the said Company and their servants or agents, shall have full power 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 Port Dover and the City of Hamilton.

Form of deeds to Company.

IV. And be it enacted, That 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 party making such conveyances will admit, be made in the form given in the Schedule to this Act

Registration.

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

Fee.

on the said 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.

Capital of the Company. Shares.

V. And be it enacted, That the Capital Stock of the Company shall be

currency, to be divided into shares of 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 this Act, and for making the surveys, plans and estimates of the said Road and connected with the said Railway, and all the rest and remainder of such money shall be applied towards making, completing and maintaining the said Railway and other

Proviso; as to preliminary expenses for survey, &c.

purposes of this Act, and to no other purpose whatsoever: Provided always, that until the said preliminary expenses connected with the said Railway shall be paid out of the Capital Stock thereof, it shall be lawful for the Municipality of any Town or Township on or near the line of the said Road, to pay out of the general funds of such Municipality their fair proportion of such Railway preliminary expenses, which sum shall be refunded to such Municipality from the Stock of the said Company, or be allowed to them in payment of Stock.

VI. And be it enacted, That 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 the Mayor of Hamilton, 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 per cent, on their Stock subscribed shall, either by 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 Clauses Consolidation Act, shall hold office until the

in Provided that the heads of Municipalities subscribing for Stock may vote on such Stock, at the said first meeting, or in their absence, such persons as may be duty authorized under the seal of the Municipality for the purpose; and such Municipalities so voting shall vote according to the scale of votes hereinafter mentioned, and in the same manner as individual Shareholders.

VII. And it be enacted, That on the first in each year, at the City of Hamilton, 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 the election in the , and also once fifteen days before the election in one newspaper in each Town upon the 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 that the said nine Directors with the said ex-officio Directors shall form a Board of Directors.

VIII. And be it enacted, That five Directors shall form a *quorum* for the transaction of business; Provided, that the Directors may employ one or more of their number as paid Director or Directors.

IX. And be it enacted, That the persons qualified to be Directors of the said Company, under this Act, shall be any Shareholder holding Stock to the amount of pounds, who shall have paid up all calls on such Stock.

X. And be it enacted, That it shall and may be lawful for the Directors, at any time, to call upon the Shareholders for the second

First General Meeting.

Notice.

Directors to be chosen.

Proviso.

in Annual General Meeting.

Notice.

Ballot.

Ties.

Vacancies.

Board formed.

Quorum.

Proviso: Directors may be paid.

Qualification of Directors.

Instalments or calls on Stock.

and all subsequent instalments upon each share which they or any of them may subscribe for, payable by such instalments and at such times, and in such proportions as the Directors of the said Company may see fit, so as no such instalment shall exceed ten per cent.

Limited to 10 per cent.

Proportion of votes to Shares. XI. And be it enacted, That each Shareholder in his own right shall be entitled to the number of votes in proportion to the number of Shares which he shall have in his name two weeks prior to the time of voting; Provided, that no one Shareholder as aforesaid shall have more than five hundred votes, and that Municipalities shall have one hundred votes for every five thousand pounds they shall subscribe.

Proviso.

Directors (being authorized) to make arrangement for uniting the Company with any others, &c.

XII. And be it enacted, That it shall be lawful for the Directors (if authorized by any General Meeting of the Shareholders to be called for the purpose,) to enter into and make any arrangement with the Directors of any Railway Company, now or hereafter to be chartered in any part of the Province for the union, junction and amalgamation of the said Company with any other Railway Company, or for the purchase of the Railway of such other Company by mutual agreement with such Company; and the Capital Stock of any Companies so united shall become the Capital Stock of the Company formed by their Union, and be controlled and managed as such independently of all other increase of Stock authorized by this Act.

Guage.

XIII. And be it enacted, That the Guage of the said Railway shall not be broader or narrower than five feet six inches.

Public Act.

XIV. And be it enacted, That this Act shall be a Public Act.

SCHEDULE A.

Know all 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 Hamilton and Port Dover Railway Company, the receipt whereof is hereby acknowledged, grant, bargain, sell, convey and confirm unto the said Hamilton and Port Dover 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 Hamilton and Port Dover 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

in presence of

(And if the wife join) A. B. [L. s].
C. B. [L. s].