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No. 151.

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2nd Session, 3rd Parliament, 12 Victoria, 1849.

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## **BILL.**

**An Act to amend the Toronto and Lake  
Huron Rail-Road Act.**

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Received and Read a first time, Wednesday, 28th  
February, 1849.

Second Reading, Wednesday, 7th March, 1849.

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**HON. MR. SHERWOOD.**

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PRINTED BY LOVELL AND GIBSON,

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**BILL.**
**An Act to amend the Toronto and  
Lake Huron Rail-Road Act.**

**W**HEREAS an Act was passed by the Preamble.  
 Parliament of this Province in the tenth  
 and eleventh year of Her present Majesty's  
 Reign, intituled, "*An Act explanatory of an* Act 10 and 11  
 5 "*Act passed in the eighth year of Her Ma-* V., c. 66.  
 "*jesty's Reign, intituled, 'An Act to amend*  
 "*an Act passed in the sixth year of the*  
 "*Reign of His late Majesty King William*  
 "*the Fourth, intituled, 'An Act to incorporate*  
 10 "*the City of Toronto and Lake Huron Rail-*  
 "*Road Company;'*" whereby it was declar- Recital.  
 ed that although the Stock subscribed for the  
 purposes of the construction of a Rail-Road  
 under the authority of the said recited Act  
 15 passed in the sixth year of the Reign of His  
 late Majesty King William the Fourth, and  
 previous to the passing of the above recited  
 Act passed in the eighth year of Her present  
 Majesty's Reign, should no longer be consi-  
 20 dered as part or parcel of the Capital Stock  
 of the said City of Toronto and Lake Huron  
 Rail-Road Company, yet it was provided,  
 that the Subscribers for Shares in the Capi-  
 tal Stock of the said Company, under or for  
 25 the purposes of the said Act passed in the  
 sixth year of His late Majesty's Reign,  
 should not be relieved from any liability  
 either at law or in equity, for contribution  
 for expenses incurred or proceedings taken  
 30 under and by virtue of the said last mention-  
 ed Act, by which such subscribers were  
 affected immediately preceding the time of  
 the passing of the said Act passed in the  
 eighth year of Her Majesty's Reign, nor that  
 35 any such persons should be relieved from  
 any liability which they may have imposed  
 upon themselves by reason of having paid  
 any call on such Stock subscribed under or

for the purposes of the said Act passed in the sixth year of His said late Majesty's Reign, since the passing of the said Act, passed in the eighth year of Her present Majesty's Reign: And whereas, it is just, 5  
right and reasonable that an equitable adjustment of the liabilities and expenses so incurred or proceedings taken as aforesaid should be made by a fair assessment, as far as can be now obtained on the Stock so sub- 10  
scribed: Be it therefore enacted, &c.

Board of Directors to make an equitable assessment of the expenses which ought to be paid by the Subscribers under the original Act, 6 W., 4.

And it is hereby enacted by the authority of the same, That the Board of Directors of the said, "The City of Toronto and Lake Huron Rail-Road Company" for the time 15  
being, or a majority of them, shall have full power and authority to make an equitable adjustment of all the expenses and liabilities incurred under the Act of Incorporation of the said Company, passed in the sixth year 20  
of the Reign of His late Majesty King William the Fourth, amongst the original subscribers, under the said Act, for the purpose of paying all claims now legally due therefor, and for such purpose shall or may demand 25  
and require from such original subscribers such assessment on the said subscribed Capital as may be necessary, returning to such person or persons who have already paid the calls on such Stock, such sum or sums of 30  
money as will reimburse them the difference between the sums so paid as aforesaid and such general assessment, and the several persons upon whom such assessment shall be made, shall and they are hereby required to 35  
pay the same to such person or persons, and at such times and places as shall be directed and required by the said Directors; and in case any person or persons shall neglect or refuse to pay the said assessment or 40  
to pay any further calls for Stock under the Act passed in the eighth year of the Reign of Her Majesty, at the time and in manner required for such payment or payments, it shall be lawful for the said Directors to cause 45

How the amount of assessment or of calls may be recovered, &c.

the same to be sued for and recovered in any Court of law in the Province having jurisdiction in civil cases to the amount, and in such action it shall not be necessary to set forth the special matter in the declaration, but it shall be sufficient to allege that the defendant is the holder of one or more Shares in the said stock subscribed under any of the above recited Acts, (stating the number of shares,) and is indebted to the Company in the amount of such assessment or calls, and in any such action it shall be sufficient to maintain the same, that the signature of the defendant to some book or paper by which it shall appear that such defendant subscribed for a share or a certain number of shares of the Stock of the said Company, be proved by one witness whether in the employment of the Company or not, and that such assessment or call has been made.

Allegations.

Proof.

II. And be it enacted, That to settle all doubts and questions respecting any informal or alleged illegal proceedings of the said Company and the Directors thereof, and to prevent needless and vexatious litigation, the present Board of Directors of the said Company are and shall be considered the legal and proper Board thereof.

Present Directors to be held to be the legal Board.

III. And be it enacted, That the time for the completion of any Road which the said Company is or has been authorized to make, shall be extended to the period of four years from and after passing this Act.

Time for completing Road extended.

IV. And be it enacted, That this Act is and shall be for all purposes and in all Courts of Justice regarded as a Public Act, and the same as such shall be judicially noticed without being specially pleaded.

Public Act.