

No. 260.

2d Session, 5th Parliament, 19 Victoria, 1856.

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An Act to provide for and encourage the construction of a Railway from Lake Huron to Quebec.

Received and read first time, Wednesday, 7th
May, 1856.

Second reading, Thursday, 13th May, 1856.

Hon. Mr. CAUCHON.

S. Derbishire & G. Desbarats, Queen's Printer.

An Act to provide for and encourage the construction
of a Railway from Lake Huron to Quebec.

WHEREAS it is of the utmost importance to the general Preamble.
interests of this Province, that a main line of Railway
communication should be opened from Lake Huron to the Ottawa
and thence to Quebec in the most direct line; And whereas
5 the opening of such line from Arnprior or some place between
Arnprior and Pembroke, on the River Ottawa, to such point on
Lake Huron as may be found best adapted for the purpose,
would secure for the said main line so large a proportion of the
travel and traffic of the Great West as to ensure the success of
10 the remainder of the line from the River Ottawa to Quebec,
while it would also open for settlement a most valuable tract of
country now unimproved and waste, and it is therefore expedi-
ent to grant special encouragement and aid to the construction
of such Railway as aforesaid: Therefore, Her Majesty, by and
15 with the advice and consent of the Legislative Council and
Assembly of Canada, enacts as follows:

I. The Presidents, Directors and Stockholders of the North How the Com-
pany shall be
formed.
Shore Railway Company, the Vaudreuil Railway Company,
the Bytown and Pembroke Railway Company, and the Brock-
20 ville and Ottawa Railway Company, or such of them and such
other persons and corporations as shall under the provisions of
this Act become Shareholders in the Company hereinafter
mentioned, shall be and are hereby constituted a body politic
and corporate by the name of the Lake Huron, Ottawa and
25 Quebec Junction Railway Company.

II. The several clauses of the Railway Clauses Consoli- Certain
clauses of 14
& 15 V. c. 51,
incorporated
with this Act.
dation 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," "Incorp-
30 oration," "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," "Share-
holders," "Actions for indemnity and fines and penalties
35 "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
Railway, except only in so far as it may be inconsistent with
the express enactments hereof; and the expression "this Act"
40 when used herein shall be understood to include the provisions
of the Railway Clauses Consolidation Act which are incorpo-
rated with this Act as aforesaid.

Line of the
Railway de-
scribed.

III. The Company hereby incorporated and their servants and agents shall have full power under this Act to lay out, construct and complete a Railway connection between the River Ottawa, at Arnprior or some place between Arnprior and Pembroke, and the waters of Lake Huron at such point as may seem to the Company best adapted to attain the objects mentioned in the Preamble, with full power to pass over any portion of the Country between the points aforesaid, and to carry the said Railway through the Crown Lands lying between the same. 5

Provisional
Directors.

IV. The Presidents for the time being of each of the Companies mentioned in the first section of this Act, and three of the Directors for the time being of each of the said Companies to be named for the purpose by the Directors, shall be the Provisional Directors of the Company hereby incorporated. 10

Capital.

V. The capital of the Company hereby incorporated shall be six thousand pounds sterling for each mile in length of their Railway from the Ottawa to Lake Huron, (with power to increase the same in the manner provided by the Railway Clauses Consolidation Act,) divided into shares of twenty-five pounds sterling each; and the Provisional Directors shall cause books of subscription to be opened as soon as conveniently may be after the passing of this Act, at Quebec, Montreal, the City of Ottawa, London in England, and such other places as they may deem expedient, for receiving the subscription of persons and Corporations willing to become shareholders, and if at the end of from the opening of the said books, more than the capital aforesaid shall have been subscribed for, then the said Provisional Directors shall first strike out of the said books the names of all persons and Corporations who are not Stockholders in one of the Companies first above mentioned, or shall reduce their subscriptions rateably until the whole sum subscribed shall be equal to the said Capital, and no more; but if after striking off the names of all those who are not such shareholders as aforesaid, more than the said Capital shall remain subscribed for, then the said Provisional Directors shall reduce the subscriptions of the persons and Corporations being such Shareholders as aforesaid, so that none of such subscriptions shall exceed a certain rateable proportion to the Stock held by the same parties in the Companies first above mentioned, or any of them, such proportion being that which will reduce the total sum subscribed to the capital aforesaid, or as near as may be without dividing any share, and the shares shall then be allotted accordingly by the said Provisional Directors. 15 20 25 30 35 40 45

Shares.

Subscription
books to be
opened.

Allotment of
of Capital
Stock.

First general
meeting and
election of
Directors.

VI. When the capital aforesaid shall have been subscribed for, the Provisional Directors shall call a general meeting of the Shareholders of the Company, by a notice published during at least thirty days in at least two newspapers published in each of the Cities of Quebec and Montreal, and in 45

at least one such newspaper published in the City of Ottawa, such meeting to be held at the City of _____, on a day and at a place to be named in such notice; and at such meeting the Shareholders, then and there present, shall elect

5 persons, being each a Shareholder to the amount of

or upwards, to be Directors of the said Company;

but if any such meeting should fail to be held, or Directors should not be elected thereat, then another shall be called in like manner, and the Provisional Directors shall remain in office until others are duly elected as aforesaid. Proviso.

VII. At such Meeting as last aforesaid and at every other meeting or occasion, when the votes of the Shareholders are to be given, each of them shall have one vote for each Share held by him. Votes.

VIII. Whenever the Directors shall have been elected as aforesaid, and ten per cent of the whole Capital of the Company shall have been paid up and deposited in some chartered Bank for the purposes of the said Railway, and secured to be applied to such purposes only to the satisfaction of the Governor in Council, then and not before, the said Company may commence the said Railway and the works therewith connected, and shall go into full operation in all respects: Provided always, that the Survey for the said Railway may be commenced and made by the said Company at any time after the passing of this Act. When the work may be commenced.

IX. The Directors so elected or those appointed in their stead in case of vacancy, shall remain in office until the first *Wednesday* in June in the calendar year next after that in which they shall be elected, 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 the Shareholders shall be held at the office of the Company for the time being, to choose 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 ten or more of such Shareholders holding together one thousand shares at least that a Special General Meeting of the Shareholders is necessary to be held, it shall be lawful for such ten or more of them to cause fifteen days' notice at least to be given thereof 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 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 Meetings assembled, (such majority not having either Term of office and annual general meetings for election of Directors. Proviso. Special general meetings.

as principals or proxies less than _____ shares,) shall be as valid to all intents and purposes as if the same were done at Annual Meetings.

Quorum of Directors.

X. Any meeting of the Directors or Provisional Directors of the said Company, at which not less than five 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. 5

Certificates of Shares, Bonds, &c., to be given by Directors.

XI. 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. 10

Bonds, &c., how to be executed.

XII. All bonds, debentures and other securities to be executed by the said company, may be payable to bearer, and all such bonds, debentures or other securities of the said Company, and all dividends 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. 15 20

Calls on Stock. Proviso.

XIII. 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 _____ pounds 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 fifty pounds 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 said Company, for the time being, to demand and receive to and for the use of the said Company the sum of ten pounds 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. 25 30 35

Proviso.

Form and registration of Deeds.

XIV. 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 be 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 to register in their Registry Books such deeds on the production thereof and proof of execution, without any memorial, and to minute every such 40 45

entry on the deed ; the said Company are to pay the Registrar Fee to Registrar. for so doing the sum of *two shillings and six pence* and no more.

XV. And whereas it may be necessary for the said Company Power to take land for gravel pits, &c. 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 Railway for constructing and keeping in repair and for carrying on the business of the said Railway 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 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, their successors and assigns, and it shall and may be lawful for the said Company to establish stations or workshops on any of 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 Railway and other works connected therewith.

XVI. And in order to aid and encourage the said Railway from the River Ottawa to Lake Huron : Be it enacted, That Grant of land to the Company as an aid to make the Road. Conditions of grant. millions of acres of the ungranted lands of the Crown adjacent to the line of the said Railway, shall be and are hereby set apart for the purposes of this Act ; and whenever any portion of the said Railway, not less than twenty-five miles in length, shall be actually completed in a good and permanent manner, equal at least to that in which the Railway is made, and with stations, rolling stock, and other appurtenances sufficient for the proper working of the said Railway, then, upon the report of some skilled Engineer whom the Governor shall appoint for the purpose, and the approval of such report by the Governor in Council, there shall be granted to the said Lake Huron, Ottawa and Quebec Junction Railway Company, by the Governor in Council, a portion of the said millions of acres of land lying adjacent to the portion of the said Railway so completed, and bearing such proportion to the millions of acres as the length of the portion of the Railway so completed bears to that of the whole of the said Railway ; and such grant shall be a free grant, and the Company shall have full power to alienate the lands so granted, and to deal with them in such manner as they may think proper.

Furt hercon-
ditions.

XVII. Provided always, that no such grant as is mentioned in the next preceding section shall be made, nor shall the said Company be entitled to claim any of the said lands, unless and until the whole Capital Stock of each of the Companies mentioned in the first section shall be then and *bonâ fide* subscribed for and per cent thereon actually paid up and expended on the Railway of the Company, or deposited in some chartered Bank and secured, to be applied to the construction of such Railway, to the satisfaction of the Governor in Council, or partly so expended and partly so secured. 5 10

Time for com-
mencing and
completing
the work.

XVIII. The said Railway from the Ottawa to Lake Huron shall be commenced within *two* years and completed within *seven* years from the passing of this Act, otherwise the powers and privileges hereby granted shall cease.

The several
Companies
first mention-
ed may unite
if they think
fit.

XIX. The Company hereby incorporated and the North Shore Railway Company, the Vaudreuil Railway Company, the Bytown and Pembroke Railway Company, and the Brockville and Ottawa Railway Company, may if they deem it advisable, unite together as one Company, and to such Union the provisions of the Acts passed in the sixteenth year of Her Majesty's Reign and chaptered respectively thirty-nine and seventy-six, shall apply as fully as to the Railways and Railway Companies therein mentioned, and the Company formed by such Union shall have all the rights and be subject to all the obligations of the Company hereby incorporated: Provided always, that the corporate name of the Company formed by such union shall be the same as that of the Company hereby incorporated. 15 20 25

Inconsistent
enactments re-
pealed.

XX. All provisions of Law inconsistent with this Act are and shall be repealed from the passing thereof.

Interpretation.

XXI. The expression "the said Company" in this Act, shall always mean the Lake Huron, Ottawa and Quebec Junction Railway Company, hereby incorporated;—the expression "the North Shore Railway Company" shall mean the Company incorporated by that name by the Act passed in the sixteenth year of Her Majesty's Reign, and chaptered one hundred;—the expression "the Vaudreuil Railway Company" shall mean the Company incorporated by that name, by the Act passed in the sixteenth year of Her Majesty's Reign, and chaptered one hundred and thirty-four;—the expression "the Bytown and Pembroke Railway Company" shall mean the Company incorporated by that name by the Act passed in the sixteenth year of Her Majesty's Reign and chaptered one hundred and thirty-seven;—and the expression "the Brockville and Ottawa Railway Company" shall mean the Company incorporated by that name by the Act passed in the sixteenth year of Her Majesty's Reign and chaptered one hundred and six. 30 35 40 45

XXII. The Interpretation Act shall apply to this Act, and Public Act. this Act shall be deemed a 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
 5 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 Lake Huron, Ottawa and Quebec Junction Railway
 Company, the receipt whereof is hereby acknowledged, grant,
 bargain, sell, convey and confirm unto the said Lake Huron,
 10 Ottawa and Quebec Junction Railway Company, their succes-
 sors 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 to hold the said land and premises, together with
 15 every thing appertaining thereto to the said Lake Huron,
 Ottawa and Quebec Junction Railway Company, their succes-
 sors 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)
 20 this day of, one thousand eight hundred
 and

A. B. [L. S.]
 C. D. [L. S.]

Signed, sealed and delivered in }
 the presence of O. K. }

