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~~10766~~

1st Session, 5th Parliament, 18 Victoria, 1854.

(PRIVATE BILL.)

BILL.

An Act to incorporate a Company for the purpose of constructing a Road from Amherstburgh to the Detroit River until it intersects the different lines leading to the Niagara River, and for other purposes.

**Received and Read First time, Wednesday, 27th
September, 1854.**

Second Reading, Thursday, 5th October, 1854.

HON. W. H. MERRITT.

QUEBEC:

PRINTED BY JOHN LOVELL, MOUNTAIN STREET.

An Act to incorporate the Detroit and Niagara Rivers Railway Company.

WHEREAS the prosperity of that portion of this Province adjoining Lake Erie would be promoted by the construction of a Railway, from the Detroit to the Niagara River, intersecting the different Railways leading East from the line of the Woodstock and Port Dover Railway, by affording the usual facilities to the different Counties through which it passes and by diverting a portion of the trade of the West through Canada, now passing around the South shores of Lake Erie: Be it therefore enacted, &c., as follows,—

Preamble.

George Southwick, George McBeth, Edwin Larwill, Arthur Rankin, Hon. John Rolph, William Lyon Mackenzie, John Fraser, M. C. Foley, D. J. Hughes, the Hon. William Hamilton Merritt, Martial Timothy Moore, Edward Ermatinger, William Ross, John McLeod, Thomas Parke, George R. Van Norman, Thomas W. Walsh, Duncan Campbell, and the Wardens and Reeves for the time being of each Municipality through which the Railway hereinafter authorized passes, together with such other person or persons as shall, under the provisions of this Act become subscribers to or proprietors of any share or shares in the said Railway and their several and respective heirs, executors, administrators, curators or assigns, being proprietors of any share or shares in the said Railway, shall be and are hereby united into a Company for constructing, maintaining and working the said Railway, according to the rules, orders and directions of this Act, and shall for that purpose be one body corporate and politic by the name and style of "The Detroit and Niagara Rivers Railway Company," and the said Company shall and are hereby authorized and empowered from and after the passing of this Act, by themselves, their deputies, agents, officers, workmen and servants, to make and complete a Railway, to be called "The Detroit and Niagara Rivers Railway," from such point on the Detroit River, at or near Amherstburgh, as may be found most convenient and advantageous for the intersection of the Southern Michigan Railroad, via St. Thomas, to such point as may be found most suitable for intersecting the different Railways leading East from the line of the Woodstock and Port Dover Road, or for continuing the said Road to the most convenient point on the Niagara River: Provided always, that if any Company now or hereafter chartered to make any Railway which if made the Railway hereby authorised would intresect, shall neglect or be unable to commence and complete their Road simultaneously with this Company, or should refuse to connect at the same rate per mile as charged on other parts of the said Railway, or impose any other obstacle to prevent the most economical use of the said Railway in the shortest time between the said Rivers, the said Company hereby incorporated may proceed at any time thereafter to construct the same under the provisions of this Act.

Certain persons incorporated.

Corporate name and powers.

Proviso.

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 Act, with respect to "Interpretation," "Incorporation," "Powers," "Plans and Surveys," "Lands and their

Certain clauses of 14 & 15 Vict. c. 51 as modified by 16 Vict. c. 169, incorporated with this Act.

valuation," "Highways and Bridges," "Fences," "Tolls," "General Meetings," "Directors, their election and duties," "Shareholders," "Shares and their transfer," "Municipalities," "Actions for indemnity," and "Fines and Penalties, and their prosecution," "Working of the Railway," and "General Provisions," as amended or modified by the Act passed in the last Session of the Provincial Parliament, and intitled, "An Act in addition to the *General Railway Clauses Consolidation Act*," shall be incorporated with this Act, save in so far as they are expressly varied by any clause or provision hereinafter contained; subject always to the following modification of the ninth sub-section of the said clause of the said *Railway Clauses Consolidation Act*," headed "Plans and Surveys," that is to say, that lands to the extent of twenty acres may be taken by the said Company without the consent of the owner thereof, but subject to the provisions of the said Act in that behalf, for Stations, Depôts, or other works, in any city or town; and subject further to the following modification of the twelfth sub-section of the clause of the said last mentioned Act, headed "Lands and their valuation," that is to say, that in any case where three arbitrators shall have been appointed, the costs of the arbitration shall be borne by the party whose offer shall be furthest from the amount awarded as a compensation for the taking of lands by the Company.

Guage.

III. The Guage of the said Railway shall be five feet six inches.

Company may raise funds for construction of road.

IV. It shall be lawful for the said Company to raise and contribute among themselves, in such portions as to them shall seem meet and convenient, a competent sum of money for making and completing the said Railway, and all such other works, matters and conveniences as may be found necessary for making, effecting, preserving, improving, completing, maintaining and using the said Railway and other works: Provided always, that the parties hereinbefore named, or a majority of them, shall cause books of subscription to be opened in the Town of St. Thomas and elsewhere as they may from time to time appoint, until the first meeting of shareholders hereinafter provided for, for receiving the signatures of persons willing to become subscribers to the said undertaking; and for this purpose they shall give public notice in such newspapers as they or a majority of them think proper, of the time and place at which such books will be opened and ready for receiving signatures as aforesaid, and of the persons by them authorized to receive such subscriptions; and every person who shall write his or her signature in such book as a subscriber to the said undertaking shall thereby become a member of the said Company, and shall have the same rights and privileges as such as are hereby conferred on the several persons who are herein mentioned by name as members of the said Company.

Proviso.

Amount of capital and how to be expended.

V. The sum to be raised or subscribed shall constitute the capital stock of the said Company, and shall not exceed in the whole the sum of one million two hundred and fifty thousand pounds, and the money to be raised and subscribed is hereby directed and appointed to be laid out and applied in the first place, for paying and discharging all fees and disbursements for obtaining and passing this Act, and for making the plans, surveys and estimates incident thereto, and all the rest, residue and remainder of such money for and towards making, completing and maintaining the said Railway and other the purposes of this Act, and to no other use, intent or purpose whatever.

Capital, how to be divided.

VI. The said capital stock of the said Company shall be divided into shares of twenty-five pounds currency each, and each holder of or subscriber for any share or shares shall have a part of all the profits of the said undertaking proportionate to the number of shares he shall hold or have subscribed for, and shall pay a part of the expenses incurred in carrying this Act into effect proportionate to the number of shares he shall hold or have subscribed for.

VII. It shall and may be lawful for the directors at any time to call upon the shareholders for such sum or sums of money as they may require upon each and every share which the shareholders may subscribe for, payable by such instalments and at such times and in such proportion as the Directors of the said Company may see fit: Provided that no such instalment shall exceed ten per cent of the capital stock so subscribed; and provided also that no second or other instalment shall be called for within one month of the date of the next previous call.

Instalments
when and how
to be paid.

Proviso.

VIII. The first General Meeting of the subscribers to the said undertaking shall be held at the Town of St. Thomas, whenever twenty thousand shares in the capital stock of the said Company shall have been *bona fide* subscribed for, and ten per cent paid thereon as hereinafter provided, and at such meeting nine persons, being each a subscriber for at least six shares, who shall have paid five per cent thereon, shall be chosen Directors, five of whom shall form a quorum, to hold their office until the first Annual Meeting of the shareholders: and due notice shall be given of the time and place of such first meeting, by the persons hereinbefore appointed, in the manner provided with regard to the notice to be given by them touching the books of subscription.

General meet-
ings.

IX. The Annual Meeting of the shareholders of the Company shall be held at the place and on the day in each year to be fixed by the By-laws of the said Company, by which also the mode of calling special meetings of the shareholders shall be fixed, and all other matters and things relative to the manner of conducting and managing the business and affairs of the said Company, for which no special provision is made by this Act; but no such By-law shall be inconsistent with this Act or with the laws of this Province.

Annual meet-
ings.

X. The said Company shall have the power and authority to borrow money from time to time, for making, completing, maintaining and working their said Railway, as they may think advisable, and to pledge the lands, tolls, revenues and other property of the Company for the due payment thereof.

Company may
effect loans.

XI. In the construction of the said Detroit and Niagara Rivers Railway, the Directors thereof or their agents shall not by the erection of any bridge or otherwise obstruct or impede the navigation of any river, brook or stream of water, over or alongside of which it may be necessary to construct the said Railway.

Company not
to impede
navigation.

XII. This Act shall be held to be a Public Act.

Public Act.