



No. 103.

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

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## BILL.

An Act to incorporate the Canada North  
West Railway Company.

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Received and read, first time, Monday, 17th  
March, 1856.

Second reading, Friday, 28th March, 1856.

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HON. MR. CAMERON.

TORONTO :  
PRINTED BY JOHN LOVELL,  
YONGE STREET.

An Act to incorporate certain persons under the name and style of the Canada North West Railway Company.

**W**HEREAS the Municipalities of the City of Toronto, Saugeen, Elderslie, Brant, Carrick, Bruce, Arthur Peel and Minto have petitioned that an Act might be passed authorising the construction of a Railway from the waters of Lake Huron at Saugeen to the waters of Lake Ontario at Toronto or to intersect some other line of Railway so as to form a Railway connexion betwixt the two first mentioned places: And whereas a Railway so constructed would manifestly tend to open an extensive tract of fertile country and promote its general prosperity; Therefore Her Majesty, &c., enacts as follows:

10 I. The Hon. Wm. Cayley, M.P.P., and Alexander McNabb, County of Bruce; George Jackson, M.P.P., W. K. Fletcher, County of Gery; Wm. Clarke, M.P.P., Charles Allan, County of Wellington; Honorable J. H. Cameron, M.P.P., John George Bowes, M.P.P., John Beverly Robinson, George Duggan, James Beaty, John Duggan, John Hutchinson, Marcus  
15 Rossin, John Harrington, W. F. Mendell and John Ewart, Jun., of the City of Toronto, Esquires, together with such other person or persons, Corporation and Municipalities 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  
20 and under the name of "The Canada North West Railway 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  
25 valuation," "Highways and Bridges," "Fences," "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  
30 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" when used herein shall be understood to include the provisions of the Railway Clauses Consolidation Act which are incorporated with this Act as aforesaid.

35 III. The said Company and their servants and agents shall have full power under this Act to lay out, construct and complete a Railway connexion between Lake Huron at Saugeen and Lake Ontario at Toronto, with full power to pass over any portion of the Counties of Wellington, Grey and Bruce, to intersect and unite with the Grand Trunk Railway at

Guelph as provided by the ninth section of the Railway clauses consolidation Act, and to construct a fork or Branch to Owen Sound from any point north of Durham.

**Form and mode of registering deeds to the Company.** IV. 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 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 entry on the Deed; the said Company are to pay the Registrar for so doing the sum of *two shillings and six pence* and no more.

**Provisional Directors.** V. From and after the passing of this Act the said Honorable William Cayley, M.P.P., and Alexander McNabb, County of Bruce; George Jackson, M.P.P., and W. K. Fletcher, County of Grey; Wm. Clarke, M.P.P., and Charles Allan, County of Wellington; Hon. J. H. Cameron, M.P.P., John George Bowes, M.P.P., John Beverly Robinson, George Duggan, James Beaty, John Duggan, John Hutchinson, Marcus Rossin, John Harrington, W. F. Mendell and John Ewart, Jun., of the City of Toronto, Esquires, shall be provisional directors of the said Company for carrying to effect the object and purposes of this Act.

**Vacancies among them how filled.** 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 Railway to the amount of at least two hundred and fifty pounds 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 unto respectively.

**First meeting of Stockholders when to be called.** VII. When and so soon as shares to an amount equivalent to one hundred thousand pounds provincial currency in the capital stock of the said Company shall be taken, and ten pounds per centum thereon shall have been paid in, it shall and may be lawful for the provisional Directors of the said Company for the time being to call a meeting at the Town of Guelph of the subscribers for stock in the said Company, and who have paid ten 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 five thousand pounds 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 Town of Guelph, and also in some one newspaper published in each of the counties through which the said Railway 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 eleven 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 two hundred and fifty pounds provincial currency, 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.

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-eight, 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 eleven 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 authorised 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 as principals or proxies less than one thousand shares,) shall be as valid to all interests and purposes as if the same were done at Annual Meetings.

First election of Directors.

Term of office of Directors.

Annual General Meeting.

Special Meetings, and powers thereof.

IX. For the purpose of making, constructing, and maintaining the Railway and other works necessary for the proper use and enjoyment of the Railway by this Act authorised 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 seven hundred and fifty thousand pounds provincial currency, such shares to be issued in sums of five pounds provincial currency each; Provided always, that the said capital sum may from time to time if necessary be increased in the manner provided for by those clauses of the Railway Clauses Consolidation Act, which in and by the second clause of this Act are expressed to be incorporated with this Act.

Capital, £750,000; how to be raised.

Increase of Capital under 14 & 15 Vict. c. 51.

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, Scrip, &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 Canada North West Railway Company are to be given, to one vote for every share of five pounds currency held by him.

Proportion of votes to Shares.

Debentures, &c., may be payable to bearers.

XII. All bonds, debentures and other securities to be executed by the said Canada North West Railway Company may be payable to bearer, 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. 5

Quorum of Directors.

XIII. Any meeting of the 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. 10

Calls how made, and amount at one time, &c.

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 Railway Company shall exceed the sum of ten 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 15 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 20 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.

Proviso: ten per cent. may be demanded on subscribing.

May purchase lots of land for Gravel Pits, Stations, &c.

XV. And whereas it may be necessary for the said Company to possess 25 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 30 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, with the necessary right of way thereto, any lands, tenements and hereditaments which it shall please 35 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, 40 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.

May dispose of such lots of land as they shall not require.

Commencement of Railway.

XVI. The said Railway shall be commenced within two years and 45 completed within seven years after the passing of this Act.

Inconsistent enactments repealed.

XVII. All provisions of Law inconsistent with this Act are and shall be 50 repealed from the passing thereof.

Public Act.

XVIII. The Interpretation Act shall apply to this Act, and 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 for any other person to join in the conveyance,)* do hereby in consideration of \_\_\_\_\_ paid to me *(or as the case may be,)* by the Canada North West Railway Company, the receipt whereof is hereby acknowledged, grant, bargain, sell, convey and confirm unto the said Canada North West 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 to hold the said land and premises together with every thing appertaining thereto to the said Canada North West Railway 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 \_\_\_\_\_

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

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

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