

No. 269.

3rd Session, 5th Parliament. 20 Victoria, 1857.

(PRIVATE BILL.)

BILL.

An Act to incorporate the Fort Erie International Railway Company.

Received and read, first time, Friday, 24th
April, 1857.

Second reading, Monday, 27th April, 1857.

MR. FRAZER.

TORONTO:
PRINTED BY JOHN LOVELL,
YONGE STREET.

An Act to incorporate the Fort Erie International Railway Company.

WHEREAS certain persons have petitioned that an Act may be passed Preamble
 authorizing the construction of a Railway from the Village of Fort Erie, in the Township of Bertie, in the County of Welland, on the Niagara River, to the Suspension Bridge below the Falls, and to Port Robinson, to connect with the "Erie and Ontario Railway," and with the "Port Dalhousie and Thorold Railway," in the same County; And whereas a Railway so constructed would tend to the improvement of the section of country through which it would pass; Therefore Her Majesty, &c., enacts as follows:

I. Duncan Macfarland, Jan es Cummings, Alexander Douglas, William A. Thompson, Nelson Forsyth, George Hardison, James Stanton, William Wallace, Leonard M. Mathews, Daniel Lamberton, John W. Lewis, Richard Graham, John Frazer, M. P. P., Arthur Johnson, and William Russell, Esquires, together with such other person or persons, corporations or 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 and under the name of the Fort Erie International Railway Company. Certain persons incorporated.

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 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 accordingly apply to the said Company and the said Railway, except only in so far as they 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. Certain clauses of 14 & 15 Vict. ch. 51 incorporated with this Act.

III. The said Company and their servants and agents, shall have full power under and by virtue of this Act, to lay out, construct and complete a Railway between Fort Erie in the Township of Bertie, in the County of Welland, and the Suspension Bridge below the Falls of Niagara, and Port Robinson on the Welland Canal, in the said County of Welland, branching from any point which may be most convenient, between the said Village of Fort Erie and the Welland River, with full power to pass over any portion Line of Railway described

of the intermediate country and to connect with the Erie and Ontario Railway and the Port Dalhousie and Thorold Railway, as provided by the ninth section of the Railway Clauses Consolidation Act.

Form of
Deeds Con-
veying lands.

IV. Deeds or 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 the circumstances of the parties who shall make such conveyances 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 sixpence currency, and no more.

Provincial Di-
rection.

From and after the passing of this Act, the said

shall be provisional Directors of the said Company for carrying into effect the object and purposes of this Act.

Vacancies
among them
how to be fil-
led.

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 pounds 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 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 general
Meeting of
Shareholders.

VII. When and so soon as shares to an amount equivalent to fifty 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 into some of the chartered Banks of this Province, it shall and may be lawful for the provisional Directors of the said Company for the time being, to call a meeting of the subscribers for stock in the said Company

Proviso.

and who have paid ten per centum thereon as aforesaid, at the village of Fort Erie, or such other place along the line of the proposed Railway as may be deemed most convenient by the said Provisional Directors, 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 five of the holders of shares, in the

said Company, holding among them not less than an amount equivalent to

5 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 said County of Welland, and at such general meeting the shareholders assembled, with such proxies as shall be present, shall choose nine 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: Provided also, that such ten per cent. shall not be withdrawn from such Bank or otherwise applied, except for the purposes of such Railway, or upon the dissolution of the Company from any cause whatsoever.

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-nine, and on the said first Wednesday in June aforesaid, and on the first Wednesday in June in each year thereafter, or on such other day as may be appointed by any By-law of the Company, an annual general meeting of the shareholders shall be held at the office of the Company for the time being, to choose nine Directors in the room of the... 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

shares at the least, that a special general meeting of the shareholders is necessary to be held, it shall and may be lawful for such ten or more of them to cause fifteen days' notice at least to be given thereof in such newspaper as is 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 meeting assembled, such majority not having, either 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.

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 authorized 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 one hundred and twenty-five thousand pounds Provincial currency, such shares to be issued in sums of twenty-five pounds Provincial currency each: Provided always, that the said capital sum may if necessary be increased from time to time in the manner provided by those clauses of the Railway Clauses Consolidation Act, which in and by the second section of this Act are expressed to be incorporated with this Act.

Directors empowered to issue scrip.

X. It shall and may be lawful for the Directors for the time being of the said Company 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.

one vote for each share.

XI. Every holder of shares in said Company shall be entitled on every occasion when the votes of the said Fort Erie International Railway Company are to be given, to one vote for every share of twenty-five pounds currency which he holds.

Debentures &c., may be payable to bearer.

XII. All bonds, debentures and other securities to be executed by the said Railway Company may be payable to bearer (and in England to bearer in sterling money), and all such bonds, debentures or other securities of the said Company, and all dividends, interest, and 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.

Calls how made, and amount at once time.

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 Railway Company shall exceed the sum of ten pounds per centum upon the amount subscribed for by the shareholders in the said Company: 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.

Company may purchase lots for gravel pits, Stations &c.,

XIV. And whereas it may be necessary for the said Company 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 wherever such deposit may be found: It is therefore enacted, that it shall be lawful for 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, or 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 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 portion of such lands not necessary to be retained for gravel pits, siding 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.

XV. The said Railway shall be commenced within three years and completed within seven years after the passing of this Act. Commencement and Completion of Railway.

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

5 XVII. The said Company hereby incorporated, and their servants and agents, shall have full power under and by virtue of this Act to purchase and hold river frontage on the Niagara river, and to build wharves or docks thereon, also to construct, build or purchase and hold such steam or other ferry boats as they may require to enable them to convey passengers Company to have power to hold river frontage, &c.,
 10 and freight across the said Niagara river to such point or points on the American shore of the said river Niagara as may be requisite for the purposes of the said Railway, and as may be necessary to enable them to connect with the various Railways running through the State of New York, and they shall have power to dispose of the same if so inclined, or to charter
 15 any other steam or other vessel not being their own property to perform this service.

XVIII. The said Company are hereby empowered to unite with any other Railway Company whose Railway intersects that of the said Company or touches a place which their road also touches, and to such union Company to have power to unite with any other Railway Company.
 20 the provisions of the Acts passed in the nineteenth year of Her Majesty's reign, and chaptered respectively thirty-nine and seventy-six, shall extend and apply.

XIX. And be it enacted, That the number of Directors which shall form a quorum for the transaction of business may be regulated by the Quorum of Directors.
 25 By-laws of the Company; and until such By-law shall be passed, a majority of the Directors shall form such quorum: Provided that the Directors may employ one of their number as paid Director.

XX. The Board of Directors of the said Company may appoint an agent or agents in the City of London, in England, with power to open Directors may open an agency in London in England for the transfer of shares, &c.,
 30 and keep books of transfer for the shares of the said Company, and for the issue of scrip and stock certificates; and upon the establishment of such agency, shares may be transferred from the Canada office to the London office in the names of the transferees, in the same manner as shares may be transferred in the former office, and vice versa; and shares hereafter
 35 taken and subscribed for in Great Britain may be entered upon the books of the London office, and scrip certificates be issued for them, and the same shall be as binding on the Company as to all the rights of shareholders as though the scrip certificates had been issued by the Secretary of the Company in Canada.

40 XXI. The Interpretation Act shall apply to this Act, and this Act shall be deemed a public Act. Public Act.

