

No. 198.

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

(PRIVATE BILL.)

BILL.

An Act to incorporate the Norfolk, Brant and
Wentworth Railway Company.

Received and read, first time, Monday, 14th
April, 1856.

Second reading, Friday, 18th April, 1856.

MR. FOLEY.

TORONTO :

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An Act to incorporate the Norfolk, Brant and Wentworth Counties Railway Company.

WHEREAS sundry petitions have been presented praying that an Act might be passed authorising the construction of a Railway from the Town of Simcoe, in the County of Norfolk, to some point on the Great Western Railway between Fairchild's Creek and Hamilton or to Fairchild's Creek or Hamilton; And whereas a Railway so constructed would conduce to the prosperity of the country through which it is proposed to pass; Therefore Her Majesty, by &c., enacts as follows:

I. William Salmon, Duncan Campbell, James G. Wilson, Nathan Ford, George R. Van Norman, Michael Hamilton Foley, James A. Lyons, William M. Wilson, James W. Ritchie, Thomas W. Walsh, John Clark, James W. Salmon and William Horsy, of the Town of Simcoe, Esquires, Oliver Blake, James L. Green, Thomas W. Clark, George W. Park, Jason Killan and Alfred Bowly, of the Township of Townsend, Esquires,

Certain persons incorporated.

Oakland, Esquires,

of

of

15 Brantford, Esquires;

of

Dundas, Esquires; and

of Hamilton, Esquires, together with such other person or persons, Corporations 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 and under the name of "The Norfolk, Brant and Wentworth Counties Railway."

Corporate name.

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 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.

Certain clauses of 14 & 15 Vict., c. 51, incorporated with this Act.

Line of Rail-
way defined.

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 the Town of Simcoe in the County of Norfolk and any point on the Great Western Railway between Fairchild's Creek and Hamilton or from the Town of Simcoe to Fairchild's Creek or Hamilton, to intersect with the Great Western Railway as provided by the ninth section of the Railway clauses consolidation Act. 5

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 skillings and six pence* and no more. 15

Fee.

Provisional Directors.

V. From and after the passing of this Act the said William Salmon, Duncan Campbell, James G. Wilson, George R. Van Norman, James W. Ritchie, Michael Hamilton Foley, Oliver Blake, and James L. Green, Esquires, shall be provisional Directors of the said Company for carrying into effect the object and purposes of this Act. 20

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 power, 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. 30 35

Their powers and duties.

First meeting of Stockholders for election of Directors; how called, &c.

VII. When and so soon as shares to an amount equivalent to forty 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 Simcoe 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 two 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 Simcoe, and also in some one newspaper published in each of the counties through which the said Railway shall pass or be intended to pass; And at such General Meeting the Shareholders assembled, with such proxies 50 55

Proviso.

Proviso.

Election of

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.

eleven Directors.

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 principles 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.

Term of office of Directors.

Annual general meetings.

Special general 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 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 three hundred 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 section of this Act are expressed to be incorporated with this Act.

Capital £300,000: shares £5 each.

Proviso. Increase of Capital.

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 Norfolk, Brant and Wentworth Counties Railway Company are to be given, to one vote for every share of five pounds currency held by him.

One vote for each share.

Debentures,
&c., to be
payable to
bearer.

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. 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 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: 15

Proviso: ten percent. may be demanded on subscribing.

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 20 for stock. 25

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

XV. 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 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, 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 or 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. 30 35 40 45

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 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 repealed from the passing thereof. 50

XVIII. The Interpretation Act shall apply to this Act, and this Act ~~Public 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 Norfolk, Brant and Wentworth
 Counties Railway Company, the receipt whereof is hereby acknowledged,
 grant, bargain, sell, convey, and confirm unto the said 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 Norfolk, Brant and Wentworth Counties Railway Company,
 their successors and assigns for ever, *(if there be a dower to be released, add)*
 and I, *(name the wife)* hereby release my dower in the premises.

Witness may [*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. }
