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No. 58.

1st Session, 6th Parliament, 21 Victoria, 1858.

(PRIVATE BILL.)

BILL.

An Act to amend the Charters and Acts of the Amalgamated Company, intituled "The Great South-Western Railway Company," and alter the line of route.

Received and read, first time, Tuesday, 20th April, 1858.

Second reading, Friday, 23rd April, 1858.

MR. MACBETH.

TORONTO :

PRINTED BY JOHN LOVELL, YONGE STREET.

An Act to amend the Charters of the amalgamated Company, intituled "The Great South-Western Railway Company."

WHEREAS the Woodstock and Lake Erie Railway and Harbour Company, and the Amherstburg and St. Thomas Railway Company, in pursuance of the powers contained in their respective Charters and amended Acts, and having complied with all the preliminary requisites by law required, have, by deed dated on or about the day of February, 1858, amalgamated and united together as one Company, under the name and style of "The Great South-Western Railway Company:" And whereas the said amalgamated Companies are, by the statutes of this Province amending the Charter of the late Woodstock and Lake Erie Railway and Harbour Company, authorised to construct their line of railway to the town of Dunnville, on the Grand River, and from thence to the Niagara River: And whereas great engineering difficulties exist in crossing the Grand River at the said town of Dunnville, and it is desirable that the said Company should have power to cross the said Grand River at or near the town of Cayuga, in the County of Haldimand; Therefore Her Majesty, &c., enacts as follows :

I. The said deed of amalgamation is hereby confirmed, and any clauses of the "Railway Clauses Consolidation Act" imported into the Amherstburg and St. Thomas Railway Charter, and not in the Acts affecting the Woodstock and Lake Erie Railway and Harbour Company, shall not apply to the said amalgamated Company, except as herein provided.

II. The said amalgamated Company may alter the projected line of their railway, between the town of Simcoe and the Suspension Bridge, so as to cross the Grand River at or in the neighbourhood of the said town of Cayuga, or elsewhere in the County of Haldimand, and not at the said town of Dunnville, as by the said amendments provided; and all powers conferred by law on the said amalgamated Company for acquiring right of way and station or other grounds shall apply to such altered route.

III. The name and style, shall from and after the passing of this Act, be "The Niagara and Detroit Rivers Railway Company," in the place of "The Great South-Western Railway Company," as provided by the deed of amalgamation; but no action, suit, contract, or proceeding now pending or in force by or against the said Company, shall be affected by such change of name, but shall continue and proceed in the name and style given by this Act.

Directors may fill up all vacancies in Band.

IV. If any Director cease to be qualified during his year of office, the other qualified Directors, or a majority of them, shall nominate some qualified stockholder to be a Director in his place, at a meeting called for that purpose.

Capital \$8,000,000.

V. The capital stock of the amalgamated Company shall be eight millions of dollars, divided into eighty thousand shares of one hundred dollars each.

Directors may open an agency in London in England for the transfer of shares, &c.

VI. The Directors of the Company may, subject to the rules and regulations from time to time of the Board, appoint an agent in the City of London in England, with power to pay dividends, to open and keep books of transfer for the shares of the Company, and for issue of scrip and stock certificates, and thereupon 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 originally taken and subscribed for in Great Britain may be entered upon the books at the London office, and scrip certificates be issued for them, and the agent or other officer shall transmit an accurate list of all such transfers and scrip certificates so issued to the Secretary or other officer of the Company in this Province, who shall thereupon make the requisite entries respecting such transfer and scrip certificates in the Register kept in the Province; and thereupon the same shall be binding on the Company as to all the rights and privileges of stockholders as though the scrip certificates had been issued by the Secretary of the Company in this Province.

Aliens may be Directors.

VII. Any stockholder in the said Company, being a British subject or alien, and being a resident elsewhere than in Canada, shall have the same rights and privileges in respect of voting upon his stock, and of holding office in the said Company, as if resident in this Province.

Stockholders may hold general meetings.

VIII. The clause of the "Railway Clauses Consolidation Act" with respect to general meetings, shall be incorporated with this Act.

Stockholders may vote by proxy.

IX. A stockholder may appoint any person, being a stockholder, to vote and act for him or her, by proxy, at all special or general meetings of the Company, and for the election of Directors.

Directors may vote by proxy.

X. Any Director resident beyond the limits of the Province may appoint another Director to be his proxy, and to vote for him at the Board, but no Director shall act as proxy for more than two other Directors. The appointment may be as follows, or to the like effect:

"I appoint _____, of _____, Esquire, one of the Directors of the _____ Railway Company, to be my proxy as a Director of this Company, and as such proxy to vote for me at all meetings of the Directors of this Company, and generally to do all that I could myself do as such Director, if personally present at such meeting.

"Dated this _____ day of _____ 185 _____"
(Signature) "A. B." 45

Proof to be given of any transmission of shares other-

XI. When any share or dividend is claimed as transmitted by the death, bankruptcy, insolvency or marriage of a stockholder, or by any means other than the ordinary transfer between seller and purchaser, the

transmission shall be authenticated by a declaration in writing, or in such other manner as the Directors may require: The declaration shall state the manner in which and the party to whom the share or dividend has been transmitted, and shall be made and signed by some credible person before a Mayor, Judge, Justice of the Peace, Master, or Master Extraordinary in Chancery, who shall endorse on, or attach to, the declaration a certificate that the declaration was made and signed in his presence by the party therein named, and that such party was personally known to him, or that satisfactory evidence of the identity of such party has been given to him: The declaration and certificate shall be left with the Officer of the Company who has charge of such documents.

wise than by regular transfer. How such proof may be made.

And further—*Firstly.* In case the transmission is by virtue of the marriage of a female stockholder, a copy of the register of the marriage, or a certificate of the Clergyman or functionary who celebrated the same, to the effect that the marriage was duly celebrated according to the laws of the place of celebration, and stating the time and place thereof, shall be left with the declaration.

Special proof on marriage of female stockholder.

Secondly. In case the transmission is through the bankruptcy or insolvency of a stockholder, a certificate of the Clerk of the proper Court of Bankruptcy or Insolvency, that the stockholder hath been adjudged bankrupt or insolvent, and that the party claiming the share or dividend is the legal assignee of the bankrupt or insolvent stockholder, shall be left with the declaration.

Special proof on bankruptcy or insolvency of stockholders.

Thirdly. In case the transmission is by any testamentary instrument or intestacy, the probate of the Will, or a true copy thereof, or an official extract therefrom, or the letters of administration, or a copy thereof, shall be left with the declaration.

Special proof of death of stockholder.

XII. When the documents and instruments hereinbefore provided are produced, and left as aforesaid, the proper entries shall be made in the books of the Company, showing the title by the transmission of the claimant to the legal proprietorship of the share, or to the dividend, and until the entry has been so made, no claimant by transmission as aforesaid shall be deemed, so far as the Company is concerned, the proprietor of the share, or entitled to the dividend, or to vote or exercise the privileges of a proprietor in respect of the share; but the Company shall not be bound to regard or see to the execution of any trust expressed, implied, or constructive, to which the share or dividend is subject, nor shall any thing herein contained prevent the Directors from making rules or by-laws respecting the management, transfer, and disposition of the stock of the Company.

Entry of such proofs in books of Company.

Proviso:

XIII. The Company may unite or make traffic arrangements with any other Railway Company or Companies in this Province, or with the International, or any other Bridge Company, or may lease the Railway of any other Company, with the necessary conveniences for the purposes of such union, occupation, or traffic arrangements, and the Board of Directors of such Railways, and the International or other Bridge Company may agree upon such union, lease, or traffic arrangements, and grant facilities for the same, and in case of disagreement as to the amount of compensation to be made therefor, or as to the facilities to be granted under such traffic arrangements, union, or lease, the same

May unite or make traffic arrangements with other Companies.

Terms of same shall be determined by one or more arbitrators appointed on application of either Company, upon notice to the other, by a Judge of one of Her Majesty's Superior Courts of Upper Canada.

May construct Branch line to Fort Erie. XIV. The Company may construct and work a Branch Railway from any point on their main through line, in the Counties of Haldimand or Welland, to Fort Erie, in the last named County, and all the provisions of the Acts incorporating and relating to the Company shall apply to such Branch Railway, and the acquiring of land therefor, as effectually as if such Branch Railway had been mentioned and described in such Acts. 5

May levy tolls subject to approval of Governor. XV. The Directors of the Company may, from time to time, subject to the approval of the Governor of this Province, regulate and fix the amount of tolls, rates, wharfage dues, and charges to be paid for the use of such harbour or harbours, wharves, piers, warehouses, or other erections. 10

Awards may be set aside. XVI. Any award made as to lands required by the Company for their railway and station grounds may be set aside, and a new arbitration had, or referred back to the arbitrators, on application to the Court of Queen's Bench, or Common Pleas; and in case of a new arbitration, the original arbitrators shall not be appointed, if either party object. 15

May desist from arbitration on payment of costs. XVII. Any notice for lands given under this Act, or any other Act relating to the Company, may be desisted from, and new notice given with regard to the same or other lands, to the same or any other party: but in any such case, the liability to the party first notified, for all damages or costs by him incurred in consequence of such first notice and desistment, shall subsist. 20

10 & 11 Vic., cap. 117, sec. 6, amended. XVIII. The original Charter of the Woodstock and Lake Erie Railway and Harbour Company shall be amended as follows: In the fifth line of section six, after the words "the owner or owners," and before the words "of such lands," the words "whether a body corporate or otherwise": and at the end of eighth line of said Section, after the words "required by the said Company," and before the words "it shall and may be lawful," the words "by notice published four times in the Canada Gazette, and one paper in the County in which such lands are situated," be respectively inserted. 25 30

Public Act. XIX. This Act shall be deemed a public Act.