

time hereafter make such addition to this Act, or such alteration of any of its provisions, as they may think proper for affording just protection to the public, or to any person or persons, Body Politic or Corporate, in respect to their estate, property or rights, or any interest therein, or any advantage, privilege or convenience, connected therewith, or in respect to any way or right of way, public or private, that may be affected by any of the powers given by this Act.

Limitation of actions. XXVI. *And be it further enacted by the authority aforesaid,* That if any action or suit shall be brought against any person or persons for any matter or thing done in pursuance of this Act, such action or suit shall be brought within six calendar months next after the fact committed, and not afterwards; and the Defendant or Defendants in such action or suit may plead the general issue only, and give this Act and the special matter in evidence on the trial.

CHAP. XVIII.

AN ACT for Incorporating certain Persons therein named, and their Associates, under the Style and Title of the Cayuga Glass Manufacturing Company.

[Passed 16th April, 1835.]

Preamble.

Petitioners.

Incorporation.

WHEREAS the establishment of Glass Works in this Province would greatly conduce to the advantage of the Inhabitants thereof; *And whereas* John De Cow, Samuel Wood, Jacob Upper, George Rowe, William Hepburne and others, by their Petition have prayed for the privilege of being Incorporated for the promotion of that object: *Be it therefore enacted* by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That the said John De Cow, Samuel Wood, Jacob Upper, George Rowe, William Hepburn, together with all such other persons as hereafter shall become Stockholders of the said Glass Works, shall be and are hereby ordained, constituted and declared to be a Body Corporate and Politic, in fact and by the name of the Cay-

uga Glass Manufacturing Company, and by this name they and their successors shall and may have perpetual succession, and by such name shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded, answering and being answered unto, in all Courts and places whatsoever; and that they and their successors may and shall have a **Common Seal**, and may change and alter the same at their will and pleasure; and also, that they and their successors, by the same name of the Cayuga Glass Manufacturing Company, shall be in Law capable of purchasing, having and holding any **Estate, Real, Personal or Mixed**, to and for the use of the said Company, and of letting, conveying, or otherwise departing therewith, for the benefit and on account of the said Company, from time to time, as they shall deem necessary.

II. *And be it further enacted by the authority aforesaid,* That a Share in the said Glass Manufacturing Company shall be Six Pounds Five Shillings, and the number of Shares shall not exceed One Thousand Six Hundred, and that the whole amount of the Stock, Estate and Property, which the said Company shall be authorised to hold, including the Capital Stock or Shares before mentioned, shall never exceed in value Ten Thousand Pounds.

III. *And be it further enacted by the authority aforesaid,* That Books of Subscription shall be opened within one month after the passing of this Act, in the District of Niagara, by such person or persons as a majority of the Petitioners, at a Meeting to be held in the District of Niagara for that purpose, shall appoint.

IV. *And be it further enacted by the authority aforesaid,* That as soon as the sum of One Thousand Pounds shall have been subscribed, it shall and may be lawful for the Subscribers, or any two or more of them, to call a Meeting, to be held at some place in the District of Niagara, for the purpose of proceeding to the Election of the number of Directors hereafter mentioned, and such Election shall then and there be made by a majority of Shares, voted for in a manner hereinafter described in respect to the annual Election of Directors, and the persons then and there chosen shall be the first Directors, and be capable of serving until the first Monday in the month of May following such Election.

V. *And be it further enacted by the authority aforesaid,* That the Stock, Property, Affairs and Concerns of the said Company, shall be managed and conducted by three Directors, one of whom shall be chosen President, who shall hold their office for one year, which Directors shall

Time and place of Election.

be Stockholders to the amount of at least two Shares, and be elected on the first Monday in May in each and every year, at such time of the day and at such place at or near the intended site of the works of the said Company as a majority of the Directors for the time being shall appoint; and public notice shall be given by the said Directors in some one Newspaper published in the District of Niagara of such time and place, not more than sixty nor less than thirty days previous to the said election as they shall think fit, and such election shall be held and made by such of the Stockholders of the said Company as shall attend for that purpose in their own proper persons, or by proxy, and all elections for Directors shall be by ballot, and the three persons who shall have the greatest number of votes at any election shall be Directors, except as is hereinafter provided; and if it shall at any election appear that any two or more persons have an equal number of votes in such a manner that a greater number of persons than three shall, by a plurality of votes, appear to be chosen Directors, then the said Stockholders herein before authorised to hold such Election shall proceed to ballot a second time, and by plurality of votes determine which of the said persons so having an equal number of votes shall be Director or Directors for the ensuing year so as to complete the whole number of three; and the said Directors, immediately after the said Election, shall proceed in like manner to Elect by Ballot one of their number to be President; and if any Director shall absent himself from the Province and cease to be an Inhabitant thereof for the space of Six Months, his Office shall be considered vacant; and if any vacancy or vacancies shall at any time happen among the Directors, or if the office of any person or persons connected with the said Company shall become vacant, by death, resignation or removal from the Province, the same shall be filled for the remainder of the year, by such person or persons as the Director or Directors may appoint.

President.

Vacancies in Direction.

Number of votes.

VI. *And be it further enacted by the authority aforesaid,* That each Stockholder shall be entitled to a number of Votes proportioned to the number of Shares which he or she shall have held in his or her own name, at least one month previous to the time of voting, being one Vote for each Share.

Company not dissolved by non-election of Directors on appointed day.

VII. *And be it further enacted by the authority aforesaid,* That in case it should at any time happen that an Election of Directors should not be made, when on any day pursuant to this Act it ought to have been made, the said Corporation shall not for that cause, be deemed to be dissolved, but that it shall and may be lawful on any other day to hold and make an Election, in such a manner as shall have been regulated by the Laws and Ordinances of the said Corporation.

VIII. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the Directors to make yearly or half yearly dividends of the profits of the said Company, as to them or a majority of them shall appear advisable. Dividends.

IX. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for any person or persons His Majesty's Subjects, or others, to subscribe for any number of Shares, not exceeding in the first instance twenty Shares, the amount whereof shall be due and payable as follows, that is to say—Ten per Cent on each Share so subscribed shall be payable to the said Company, immediately after the Stockholders shall Elect the number of Directors hereinbefore mentioned, and the remainder by Instalments of not more than Twenty per Cent, at such period as the President and Directors shall from time to time appoint: *Provided* that no Instalment shall be called for in less than thirty days after public notice shall have been given in such Papers as the Directors shall see fit: *Provided also,* that if any Stockholder or Stockholders shall neglect or refuse to pay to the said Company the Instalments due on any Share or Shares held by him, her or them, at the time required by Law, such Stockholder or Stockholders shall forfeit such Share or Shares as aforesaid, together with the amount previously paid thereon, and the Share or Shares so forfeited shall be sold by the Directors at Public Auction, after having given such notice as the Directors shall think proper, and the proceeds thereof, with what had been previously paid thereon, shall be accounted for and applied in the same manner as any other funds of the said Company: *And provided also,* that nothing herein contained shall extend to prevent the purchaser or purchasers from paying up the residue of the Instalments on back Shares so purchased as aforesaid before he, she or they, shall be entitled to a Certificate for such Shares. No person to hold more than 20 shares in the first instance.
Subscription, how payable.
Forfeiture of shares.

X. *And be it further enacted by the authority aforesaid,* That if within one month after said Books of Subscription shall be opened the whole number of Shares shall not be taken up and subscribed for, then it shall be lawful for any former Subscriber to increase his her or their Subscriptions, and that after the first Instalments shall have been paid to the said Company the said Shares shall become transferable on the books of the said Company. Increase of Subscribers Shares.

XI. *And be it further enacted by the authority aforesaid,* That the Directors for the time being, or a major part of them, shall have power to make and subscribe such Rules and Regulations as to them shall appear needful and proper, touching the management and disposition of the Stock, Property, Estate and Effects of the said Company, and touching Directors may make by-laws.

the security to be given by, and the duties and conduct of the Officers, Clerks and Servants, employ by the said Company, and all such other matters as appertain to the business of the said Company, and shall have power to appoint such Officers, Clerks and Servants, as may be deemed necessary to carry on said business, and with such salaries and allowances as to them shall seem fit: *Provided* that such Rules and Regulations be not repugnant to the Laws of this Province.

Public act.

XII. *And be it further enacted by the authority aforesaid*, That this Act be, and the same is hereby declared to be a public Act, and that the same shall be construed as such in all His Majesty's Courts in this Province.

General issue may be pleaded.

XIII. *And be it further enacted by the authority aforesaid*, That in all actions to be hereafter brought against the said Company at any time, it shall and may be lawful for them to plead the general issue, and to give the special matter in evidence under it.

Shares to be transferable.

XIV. *And be it further enacted by the authority aforesaid*, That the Shares of the said Capital Stock shall be transferable, and may from time to time be transferred by the respective persons so subscribing the same: *Provided always*, that such transfer be entered or registered in a book or books to be kept for that purpose by the Directors.

Act of Incorporation not affected by non-user.

XV. *And be it further enacted by the authority aforesaid*, That this Act of Incorporation shall in nowise be forfeited by any non-user at any time before the first day of January which will be in the year of our Lord One Thousand Eight Hundred and Thirty-eight.

Commencement of operations.

XVI. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for the Directors to commence the operations of the said Company as soon as Five per Cent shall be paid in on the Capital Stock subscribed as aforesaid.

Glass works where to be erected.

XVII. *And be it further enacted by the authority aforesaid*, That the said Company may construct the said Glass Works on Lot number Forty Two, on the North side of Talbot Road, in the Township of Cayuga, and County of Haldimand.

Alteration of this act.

XVIII. *And be it further enacted by the authority aforesaid*, That notwithstanding the privileges hereby conferred, the Legislature may at any time hereafter make such addition to this Act, or such alteration in any of its provisions, as they may think proper, for affording just protec-

tion to the Public, or to any person or persons, Body Politic or Corporate, in respect to their Estate, Property or Rights, or any interest therein, or any advantage, privilege or convenience connected therewith, that may be affected by any of the powers given by this Act.

CHAP. XIX.

AN ACT to Incorporate certain persons therein mentioned, under the Name and Style of the Erie and Ontario Rail Road Company.

[Passed 16th April, 1835.]

WHEREAS Thomas Clark, Humphrey J. Tench, David Thornburn, John Hamilton, Malcolm Laing, Samuel Street, James Gordon, Alexander Hamilton, James Cummings, Robert Grant and others, of the District of Niagara, have, by Petition, prayed to be Incorporated as a Joint Stock Company for the purpose of constructing a double or single Iron or Wooden Rail Road or Way, commencing at the River Welland, at any point, and extending to the Niagara River, at or below Queenston, with the privilege of extending the same to Lake Erie or Ontario, or both, at any future period: *And whereas* it is expedient to Incorporate the said Petitioners, for the purposes herein before mentioned: *Be it therefore enacted* by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That the said Thomas Clarke, Humphrey J. Tench, David Thornburn, John Hamilton, Malcolm Laing, Samuel Street, James Gordon, Alexander Hamilton, James Cummings, Robert Grant, together with all such other persons as shall become Stockholders in such Joint Stock or Capital, as is hereinafter mentioned, shall be and are hereby ordained, constituted and declared to be a Body Corporate and Politic, in fact, by and under the name and style of the Erie and Ontario Rail Road Company, and by that name they and their successors shall and may have continued succession, and by such name shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded, answering and being answered unto, in all Courts and places whatsoever, in all manner of actions, suits, complaints, matters

Preamble.

Incorporation