

*Laws of His Majesty's Province of Upper Canada*, passed in the year 1837. York: Robert Stanton, 1837.

7 William IV – Chapter 61

**An Act to alter and amend the Act Incorporating Sundry persons under the name of the London and Gore Rail Road Company, and to grant them a sum of money by way of Loan. Passed 4th March, 1837.**

Whereas the construction of a great Western Rail Road in this Province, would be of infinite benefit to the people of this Province, by increasing the value of the waste Lands of the Crown, by increasing the value of Land owned by individuals, by increasing the quantity and value of the products of the whole extent of Country lying between the Lakes Ontario, Erie and Huron, and by exciting a spirit of enterprise and activity among the inhabitants of the Western part of this Province, which has hitherto comparatively lain dormant: And whereas, certain persons have been incorporated under the style and title of "The London and Gore Rail-road Company," and the route taken up by the said Company, from the head of Lake Ontario to the Town of London, is the proper one for securing the advantages before enumerated: And whereas, it is expedient to amend the Charter of the London and Gore Rail Road Company, and to increase the Capital Stock, and to grant them a Loan under conditions hereinafter provided, for the purpose of aiding them to complete the construction of a work, which is likely to be of so much advantage to this Province: 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 style and title of the London and Gore Rail Road Company shall be henceforward changed to that of 'The Great Western Rail Road Company.'

II. And be it further enacted by the authority aforesaid, That so much of the Act Incorporating the said Company, as limits the Capital Stock of the same to Two Hundred Thousand Pounds be, and the same is hereby repealed; and that the said Company shall have liberty to extend their Capital Stock to Five Hundred Thousand Pounds, in Shares of Twelve Pounds Ten Shillings each, and that such increase Stock as they may find it expedient to create and dispose of, shall be subject to all the provisions contained in the original Act of Incorporation, touching the original Capital Stock.

III. And be it further enacted by the authority aforesaid, That the said Company, in case they do not already possess the same, shall have full power to continue their Rail Road, from the Town of London to Point Edward, at the foot of Lake Huron; and that they may contract, compound, compromise and agree, with the owners or occupiers of any lands upon which they may determine to construct their Rail Road, either by purchase of so much of the said land and

privileges as they shall require, or for any damage done either to or by the said Company, in the same manner as is provided for by the original Act of Incorporation, in cases of the same kind.

IV. And be it further enacted by the authority aforesaid, That whenever the said Company shall produce to the Receiver General satisfactory evidence, by the affidavits of the Treasurer and two of the Directors of the said Company, and by the affidavits of such other Directors or Agents of the said Company, as the Receiver General shall reasonably require, that the sum of Twelve Hundred and Fifty Pounds shall have been paid in by the Stockholders of the said Company, upon the Capital Stock thereof, and that the said sum has been actually expended in the construction of the said Rail Road, the said Receiver General shall issue and deliver to the said Company Government Debentures, in sums not less than Fifty Pounds, at the option of the said Company, to the amount of Three Thousand Seven Hundred and Fifty Pounds bearing interest at the rate of six per cent per annum, payable half yearly, and redeemable in twenty years; and that when and so often as the said Company, shall produce like evidence to the Receiver General of further sums, not less than Two Hundred and Fifty Pounds at each time, having been paid in by the Stockholders of the said Company upon the Capital Stock subscribed, and that the same has been actually expended as aforesaid, the said Receiver General shall issue and deliver to the said Company Government Debentures, for three times the amount so paid in, in sums not less than Fifty Pounds, at the option of the said Company, bearing interest at six per cent payable half yearly, and redeemable in twenty years, until the whole amount of said Debentures shall equal the sum of Two Hundred Thousand Pounds.

V. And be it further enacted by the authority aforesaid, That no part of such Debentures shall be delivered to the said Company, until the acceptance thereof shall be signified to the Receiver General, by the filing in his Office of a certificate of such acceptance, under the Corporate Seal of the Company, and the signature of their President.

VI. And be it further enacted by the authority aforesaid, That each Certificate of acceptance so executed and filed, as aforesaid, shall be recorded in the Office of the Registrar of the Province, and shall thereupon become, and be, to all intents and purposes, a Mortgage of said Rail-road, and every part and section thereof, and its appurtenances, to the Province, for securing the payment of the principal and interest of the sums of money, for which such Debentures shall, from time to time, be issued and accepted, as aforesaid.

VII. And be it further enacted by the authority aforesaid, That the said Debentures shall be made payable to the said Company, or their order, and may be assigned and transferred by the said Company; and that the said Company shall enter upon Books, to be kept by them for that purpose, each and every Debenture, together with the name or names of such person or persons, or Bodies Corporate, as they shall assign the same to, and furnish, from time to time, an account thereof to the Receiver General.

VIII. And be it further enacted by the authority aforesaid, That the said Company shall make provision for the punctual redemption of said Debentures, and for the punctual payment of the interest which shall accrue thereon, in such manner as to exonerate the Treasury of this Province

from any advances of money for that purpose; and the Tolls and income which shall accrue from the use of the said Road, when the same, or any part thereof, shall be constructed, after paying the necessary repairs and expenses of conducting the business thereof, shall be pledged for the payment of the said principal and interest.

IX. And be it further enacted by the authority aforesaid, That no part of such Debentures so authorised, as aforesaid, shall be issued to the said Company, until full and satisfactory evidence shall have been given to the Receiver General, and approved of by the Attorney or Solicitor General, that no prior lien or incumbrance has been created or exists on said Road, or its appurtenances, except such lien or incumbrance as may have been created under any Law that may be passed in reference thereto, nor until the regular payment of the interest accruing on the said Debentures, shall be secured by personal bonds or obligations, approved of by the Executive Council.

X. And be it further enacted by the authority aforesaid, That in case the said Company shall make default in the payment, of either the interest or principal of said Debentures, or any part thereof, it shall and may be lawful for the Receiver General to sell the said Road, and appurtenances, at auction, to the highest bidder, giving at least six months notice of the time and place of such sale, by advertisement, to be published once in each week in the Upper Canada Gazette, and in two public newspapers in the Gore, London and Western Districts, or to buy the same at such sale for the use and benefit of this Province, subject to such disposition in respect to the said Road, or its proceeds, as the Legislature may thereafter direct.

XI. And be it further enacted by the authority aforesaid, That the said Company shall expend, in the laying out and construction of said Road, all the monies paid in by the Stockholders of said Company, upon the Stock subscribed, together with the monies to arise from the sale or transfer of said Debentures; and shall annually render to each Branch of the Provincial Legislature, a true account thereof, verified by the Oath or Affidavits of the Treasurer, and any two of the Directors of the said Company, with a full statement of the receipts and expenditures, with the proper vouchers of all payments.

XII. And be it further enacted by the authority aforesaid, That no part of such Debentures, so authorised as aforesaid, shall be issued to the said Company, unless the regular payment of the interest thereon shall, at the time of issuing the said Debentures, be further secured by personal obligations, to the satisfaction of the Lieutenant Governor and Executive Council of this Province.

XIII. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the Canada Company, to construct a Branch Rail Road from Goderich Harbour, to join the Great Western Rail Road at any point between Hamilton and London, upon such terms as shall be agreed upon between the said parties.

XIV. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the Niagara and Detroit Rivers Rail Road Company, or a majority of them, at any time hereafter, to agree with the Great Western Rail Road Company, to connect their said Rail Roads at such place or

places, and upon such terms and conditions, as the President and Directors, for the time being, of each of the said Companies, or a majority of them, shall, by contract or contracts, under the Seals of the said Companies, respectively agree and determine.

XV. And be it further enacted by the authority aforesaid, That it shall be lawful for the Governor, Lieutenant Governor, or Person Administering the Government of this Province, to nominate and appoint a fit and proper person or persons, as Civil Engineer or Engineers and Surveyors, with competent Assistants, to survey and locate the line of the Great Western Rail Road, from the Town of London to any part of the Western District, at or between Port Amherstburg and Port Sarnia, or Point Edward; and the said Great Western Rail Road Company shall have power, and they are hereby authorised, to make arrangements with the President and Directors, for the time being, of the Niagara and Detroit Rivers Rail Road Company, or a majority of them, to intersect or unite with that Road, at any point they may deem expedient, or agree upon; and that after having made personal inspections of the said lines, they shall establish and determine the same, and until the route is so determined, and a diagram of the same presented to the Governor, Lieutenant Governor, or Person Administering the Government, to be laid before the Legislature at its next meeting, it shall not be lawful for the said Company to expend any portion of the loan hereby granted, beyond the said Town of London, until the said route so to be established, be approved of by the Legislature: Provided, nevertheless, that nothing herein contained shall extend, or be construed to extend, to authorise the said Engineers or Surveyors, or the said Great Western Rail Road Company, to run their said Road into the Townships of Sandwich or Bertie, or either of them, without the consent, in writing, of the President of the Niagara and Detroit Rivers Rail Road Company, for that purpose first had and obtained.