

Laws of His Majesty's Province of Upper Canada, passed in the year 1857. Toronto: Stewart Derbshire & George Desbarats, 1857.

20 Victoria – Chapter 152

An Act to incorporate the London and Lake Huron Railway Company. Assented to 10th June, 1857.

Whereas the persons hereinafter named, and divers others, have petitioned that an Act may be passed authorizing the construction of a Railway from any point in the City of London to the waters of Lake Huron at or near Port Franks, on the mouth of the River Aux Sables; And whereas a Railroad so constructed would manifestly tend to open an extensive tract of fertile country and promote its general prosperity: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

I. Elijah Leonard, John Carling, David Glass, Marcus Holmes, John Birrell, Daniel Lester, Francis Smith, James Cousins, William McBride, Patrick Y. Norris, and John Wilson, 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 "London and Lake Huron Railway Company."

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 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.

III. The said Company, and their servants and agents, shall have full power under this Act to lay out, construct and complete a Railway between the City of London and the waters of Lake Huron, at or near Port Franks, with full power to pass over any portion of the Counties of Middlesex and Lambton, under the provisions of the ninth section of the Railway Clauses Consolidation Act.

IV. Deeds and conveyances under this Act for 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 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; and the said Company are to pay the Registrar for so doing the sum of two shillings and six pence, and no more.

V. From and after the passing of this Act, the said Elijah Leonard, John Carling, Marcus Holmes, John Birrell, Daniel Lester, Francis Smith, James Cousins, William McBride, Patrick Y. Norris, John Wilson, and David Glass shall be Provisional Directors of the said Company, for carrying into effect the object and purposes of this Act.

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 owners of 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 powers, rights, privileges and indemnities, and they shall be and they are hereby made subject to 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 to respectively.

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 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 City of London 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 five 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 newspaper published in the City of London, and also in some one newspaper published in each of the Counties through:, which the said Railway shall pass, or in such of the said Counties as shall have a newspaper published therein respectively; and at such General Meeting the Shareholders assembled, with such proxies 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.

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; 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 any such special meeting assembled (such majority not having either as principals or proxies, less than one thousand shares) shall be as valid to, all intents and purposes as if the same were done at an annual meeting.

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 incorporated with this Act.

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.

XI. Every proprietor of shares in the said Company shall be entitled on every occasion when the votes of the Members of the said Company are to be given, to one vote for every share of five pounds currency held by him.

XII. All bonds, debentures and other securities to be executed by the London and Lake Huron Railway Company, maybe made 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.

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.

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 by 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: 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 or 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.

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 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 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, woodyards, station grounds or workshops, or for effectually repairing, maintaining and using to the greatest advantage the said Railway and other works connected therewith.

XVI. The said Railway shall be commenced within two years and completed within seven years after the passing of this Act.

XVII. And whereas it may be the interest of the said Company hereafter to unite with the London and Port Stanley Company, or with some other Railway Company: Be it enacted, that it shall be lawful for the said London and Lake Huron Railway Company at any time hereafter to unite with and become merged in the London and Port Stanley, or with any other Railway Company whose Railway intersects that of the said Company, or touches any place which their Railway also touches, upon such terms and conditions as may be agreed upon between the Companies; and to any such Union and the proceedings preliminary thereto, and the effects thereof, all the provisions of the Acts passed in the sixteenth year of Her Majesty's Reign, and chaptered, respectively, thirty-nine and seventy-six (providing for the Union of Railway Companies,) shall extend and apply.

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

XIX. The Interpretation Act shall apply to this Act, and this Act shall be deemed a Public Act.

Schedule A.

Know all men by these presents that I, _____ (insert the name of wife also, if she is to release her dower, or for any other reason to join in the conveyance,) do hereby, in consideration of paid to me (or

as the case may be) by the London and Lake Huron Railway Company, the receipt whereof is hereby acknowledged, grant, bargain, sell, convey and confirm unto the said London and Lake Huron 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 purposes of their Railway, to have and to hold the said land and premises, together with every thing appertaining thereto, to the said London and Lake Huron Railway Company, their successors and assigns for ever, (if dower lo be released, add) and I (name the wife) release my dower in the premises.

Witness my (or our) hand (or hands) and seal (or seals), this _____ day of _____, one thousand eight hundred and _____

A. B. [L. S.]
C. D. [L. S.]

Signed, sealed and delivered in the presence of _____
O. K.