



ANNO DUODECIMO
VICTORIÆ REGINÆ.

CAP. CXCVI.

An Act to incorporate *The Toronto, Simcoe, and Lake Huron Union Rail-Road Company.*

30th MAY, 1849.—Presented for Her Majesty's Assent, and Reserved for the signification of Her Majesty's pleasure thereon.

30th JULY, 1849.—Assented by Her Majesty in Privy Council.

29th AUGUST, 1849.—The Royal Assent signified by the Proclamation of His Excellency the EARL of ELGIN and KINCARDINE, Governor General.

WHEREAS George Gurnett, Mayor of the City of Toronto, and upwards of eleven hundred others, Inhabitants and Freeholders of the City of Toronto and the Home and Simcoe Districts, have presented a Petition to the Legislature, praying that an Act might be passed to authorize the construction of a Rail-road from the City of Toronto to some part of the southerly shore of Lake Huron, touching at the Town of Barrie or at some point or points on the shore of Lake Simcoe: And whereas the construction of such Rail-road would greatly contribute to the facility of intercourse between the several Districts and Townships through which the same is intended to pass and the said City of Toronto, and would tend to open a free intercourse with Lake Superior, Green Bay, the State of Winsconsin and other Western States of America, and thereby in a very important manner promote the interests of this Province: And whereas for the purpose of raising funds for the construction of the said Rail-road by means of small contributions, it hath been proposed that the Shares in the Capital Stock of the said Company may either be subscribed for or the Shares may be allotted and distributed among the several Members, Contributors and Subscribers to the said Rail-road Company, by chance or otherwise, as prizes amongst the Members, Subscribers or Contributors to the said undertaking, on the condition, nevertheless, that such sum of money as shall be subscribed or contributed by persons taking scrip in the said Company, shall be solely and entirely expended in the construction of the said Rail-road, and the payment of the expences necessarily incident thereto: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That Frederick Chase Capreol, the Honorable Henry J. Boulton, John Hibbert, Robert Easton Burns, Joseph Curran Morrison, Charles Berczy, Joseph Davis Ridout, George Barrow, Albert Furniss, and Benjamin Holmes, Esquires, together with such person or persons as shall, under the provisions of the said Act, become

Preamble.

Certain persons incorporated.

Name of the
Company.

become subscribers to and proprietors of any share or shares in the Rail-road hereby authorized to be made, and other works and property hereinafter mentioned, being proprietors of any share or shares, are and shall be, and be united into a Company, for the carrying on, making, completing and maintaining the said intended Rail-road and other works, according to the rules, orders and directions hereinafter expressed, and for that purpose shall be and are hereby ordained, constituted and declared to be a Body Politic and Corporate by the name and style of *The Toronto, Simcoe and Huron Rail-Road Union Company*, and by that name shall have perpetual succession and shall have a Common Seal, and other the usual powers and rights of Bodies Corporate not inconsistent with this Act, and by that 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 whatsoever, in all manner of actions, suits, complaints, matters and concerns whatsoever, and also shall and may have the power of purchasing and holding to them and their successors any estate, real, personal or mixed, to and for the use of the said Company, and of letting, conveying and otherwise departing therewith for the benefit and on account of the said Company, from time to time, as they shall deem necessary or expedient, without incurring any penalties or forfeitures whatsoever: And the said Company shall be, and are hereby authorized and empowered from and after the passing of this Act, by themselves, their deputies, agents, officers, workmen and servants, to make and complete a Rail-road to be called *The Toronto, Simcoe and Huron Union Rail-Road*, with one or more sets of rails or tracks, and to be worked by locomotive engines or on the atmospheric principle, or in such other mode as the said Company may deem expedient, from some place in the City of Toronto to some place on the southerly shore of Lake Huron, and touching at the Town of Barrie, or at some point or place on the shore of Lake Simcoe, and in as direct a line as may be found convenient, and to erect wharves, warehouses, stores and other buildings at either termination, and at such other places on the line of the said Rail-road as they may deem expedient: Provided always, and be it further enacted, That the Governor in Council, upon memorial from the said Company, shall determine the gauge which shall be used on the said Rail-road, and such determination shall be declared by Proclamation in the *Official Gazette*, and shall thereupon be binding on the said Company.

Proviso: Go-
vernor in
Council to de-
termine the
Gauge.

Directors to
sell scrip.

II. And be it enacted, That it shall and may be lawful for the said Frederick Chase Capreol, Henry J. Boulton, John Hibbert, Robert Easton Burns, J. C. Morrison, Chas. Berczy, Joseph Davis Ridout, George Barrow, Albert Furniss, B. Holmes and their successors, Directors of the said Company, to nominate and appoint one of their number to be a Manager, who shall be subject in all matters appertaining to the duties imposed upon him by this Act, to the direction and control of the said Directors who are hereby authorized either to sell or dispose of the Capital Stock to the amount of five hundred thousand pounds in shares of five pounds each, either by subscriptions on the books of the Company for such a number of shares as each party may desire to take, the whole number of shares being one hundred thousand, or to sell and dispose of to any person or persons, Bodies Politic or Corporate, any number of tickets or scrips not exceeding in the whole one hundred thousand, constituting a capital of five hundred thousand pounds to be distributed and allotted in one or more drawings by chance or otherwise at and for such price or sum of money for each ticket or scrip as they shall think fit, and under and subject to such stipulations and regulations as to the payment of the sums contracted to be given for the tickets or scrip, and as to the instalment

instalment and time of payment thereof and any advance thereon, and any allowance or discount for prompt payment, and as to any forfeitures or penalties for non-payment of any such sums of money or instalments and as to the whole number of tickets or scrips and the number and value of the fortunate tickets or scrips in such allotments by chance respectively; and also as to the share or shares or amount in stock or capital to be allowed to the owner of any ticket or scrip to be drawn on any or either of the days of distributing of any or either of such allotments, or any other beneficial chance therewith, and as to the days or times and place for the distributing of such allotments by chance respectively as they shall think proper and expedient, and all such regulations, stipulations, forfeitures and penalties shall be valid and effectual, and be obeyed, acted upon and enforced in like manner in every respect as if they had been inserted and enacted in the body of this Act, and that all the moneys to arise by the sale of such tickets or scrips shall be paid into one or more of the Chartered Banks of this Province or a branch or branches of such bank or banks in the said City of Toronto, who shall if required give security to the satisfaction of any two or more of the Directors hereinafter named for duly answering or paying to the said Directors or to their order or the order of any of them, all the moneys they shall receive from time to time in respect of any or either of such allotments or of any tickets or scrips therein, and for accounting duly for the same and for the faithful performance of the trust in them reposed: And be it further enacted, That the said F. Chase Capreol, Henry J. Boulton, John Hibbert, Robert Easton Burns, Joseph Curran Morrison, Charles Berczy, Joseph Davis Ridout, George Barrow, Albert Furniss, and B. Holmes, shall be and are hereby appointed the first Directors, for the purposes hereinafter mentioned and set forth; and in case of the death, absence, resignation or removal of any one or more of them it shall and may be lawful for the survivors of the said Directors to appoint another or others in the room or stead of those of the Directors who may die or be absent, or resign as aforesaid, any thing in this Act to the contrary notwithstanding; but if such appointment be not made, such death, absence, resignation or removal shall not invalidate the acts of the remaining Directors who shall continue Directors until the next annual election of Directors.

F. Chase Capreol, &c. appointed first Directors.

III. And for the establishing a proper method of distributing the said allotment or allotments by chance—Be it enacted, That the said Frederick Chase Capreol, Henry J. Boulton, John Hibbert, Robert Easton Burns, Joseph Curran Morrison, Charles Berczy, Joseph Davis Ridout, George Barrow, Albert Furniss and B. Holmes, shall be Managers and Directors for preparing and delivering out tickets or scrips, and to oversee the drawing of lots, and to order, do and perform such other matters and things relating to such allotment by chance as may be necessary in that behalf, and shall for the said allotments respectively, cause books to be prepared, in which every leaf shall be divided or distinguished into three columns, and upon the innermost of the said three columns there shall be printed, for each of the said allotments, such number of tickets or scrips as shall have been fixed upon for the same, to be numbered one, two, three, and so onward in arithmetical progression where the common excess is to be one, until they rise to the number so fixed upon; and upon the middle column in every of the said books shall be printed the like number of tickets or scrips of the same breadth and form, and numbered in like manner; and in the extreme column of the same books there shall be printed a third rank or series of tickets or scrips of the same numbers with those of the other two columns, which tickets shall severally be of an oblong figure, and in the said books shall be joined with oblique lines, flourishes or devices in such manner as the said Directors or any three or more of them shall think most safe and

Method of distributing allotment.

How books to be prepared.

and convenient, and that every ticket or scrip in the third or extreme column of the said books shall have written or printed thereupon (besides the number of such ticket) such words or figures, and shall be in such form as the said Directors may deem expedient.

Directors to examine tickets.

And deliver to manager for sale.

Manner of issuing tickets.

IV. And be it enacted, That the said Directors shall carefully examine all the said books with the tickets thereon, and take care that the same be contrived, numbered and made according to the true intent and meaning of this Act, and shall deliver or cause to be delivered the same and every or any of them as they shall be examined, and to such amount as to number of shares as to the said Directors shall seem fit, to the Manager aforesaid, for the purpose of distributing the same, taking from such Manager an acknowledgment in writing under his hand importing his receipt of such book or books, and so many tickets therein as shall be delivered to him, so that he may be charged to answer for such sum of money for every one of the tickets in the extreme columns which shall be delivered to him, as the same shall have been sold for, or for so many of them as he shall not deliver back to the said Directors, and the said Manager is hereby directed and required, upon receipt of every or any entire sum of money in full payment for any ticket or tickets from any person or persons contributing in any such allotment by chance, from time to time, to cut out of the said book or books, so to be put into his or their custody, through the said oblique lines, flourishes or devices, indentwise in the said extreme columns, such ticket or tickets as shall be necessary to deliver to the several persons entitled thereto; which tickets the said Directors, or any three or more of them, shall sign with their own names previous to the delivering thereof to the said Manager, who, after himself signing the said ticket, shall permit the person or respective persons so entitled, if it be desired, to write his name or mark on the corresponding tickets in the same book or books, and at the same time the said Manager distributing the tickets aforesaid, shall deliver to such person or persons, to whom they are distributed, the ticket or tickets so cut off, which he, she or they are to keep and use for better ascertaining and securing the interest which he, she or they, his, her or their executors, administrators, successors or assigns shall or may have in the distribution of the said allotment by chance.

Manager to deliver back to Directors fourteen days before drawing, the books and unsold tickets, and to pay and account weekly for tickets sold.

V. And be it enacted, That the said Manager to whom the tickets shall have been delivered for distribution shall, fourteen days before the commencement of each distribution of the allotments by chance, re-deliver to the said Directors all the said books, and therein all the tickets which the said Manager shall not have cut out of the same and delivered to the persons entitled thereto, and shall monthly and every month, or whenever required by the said Directors, from the time of the delivery to him of the said book or books delivered to the said Directors, a true and just account in writing under his hand of all sums of money accrued or come to his hands by or for the tickets delivered or to be delivered out, and how the same and how much thereof shall have been actually paid by him into the hands of the said Directors, or into the said Bank or Banks for the purpose herein mentioned, and that the said Directors or any three or more of them shall retain and keep as cash to be issued, sold and disposed of for raising money for the purpose in this Act mentioned, all the tickets in the said outermost columns which shall not have been delivered (if any such be) in such manner as the said Directors or any three or more of them shall order or direct.

VI. And be it enacted, That the said Manager entrusted with the distribution of the tickets as aforesaid, shall cause all the tickets in the middle columns in the books made out with three columns as aforesaid, which shall be delivered back to him by or from the said Directors as aforesaid, to be carefully rolled up and made fast with thread or silk, and shall in their presence and in the presence of any such contributors as may be there, cause all the said tickets which are to be so rolled up and made fast as aforesaid, to be cut off indentwise through the said oblique lines, flourishes, or devices, into a box to be prepared for that purpose, and to be marked with the letter (A), which is presently to be put in another strong box, and to be locked with three different locks and keys, to be kept by as many of the said Directors, and sealed with their seals, or the seals of some of them, until the said tickets are to be drawn as is hereinafter mentioned, and that the tickets in the first or innermost columns of the said books shall remain still in the books for discovering any mistake or fraud, if any should happen to be contrary to the true meaning of this Act.

How tickets to be prepared for the drawing.

VII. And be it enacted, That the said Manager entrusted with the distribution of the tickets as aforesaid, shall also prepare, or cause to be prepared for the said allotments by chance respectively, other books in which every leaf shall be divided or distinguished into two columns, and upon the innermost of those two columns there shall be printed the number of tickets of each of such allotments respectively, and upon the outermost of the said two columns there shall be printed a like number of tickets, all which shall be of equal length and breadth as near as may be, which two columns shall be joined by some flourish or device through which the outermost ticket may be cut off indentwise, and that such number of tickets as shall be fixed upon for the purpose by the said Directors or any three of them, part of those to be continued in the outermost columns of the books last mentioned, shall be and be called the fortunate tickets to which benefits shall belong, and the said Directors or any three or more of them shall cause the amount of stock which shall have been fixed upon for each of such fortunate tickets to be written or printed thereupon as well in figures as in words in length, and the said Directors or any three or more of them shall cause all the said tickets continued in the outermost columns of the said last mentioned books to be in the presence of the said Manager entrusted with the distribution of the tickets as aforesaid, and in the presence of such contributors as shall be there, to be carefully cut out indentwise through the said flourish or device into another box to be provided for this purpose, and to be marked with the letter (B), which box shall be put into another strong box, and locked up with three different locks and keys, to be kept by as many of the said Directors, and sealed up with their seals or the seals of some of them, until these tickets shall also be drawn in the manner and form hereinafter mentioned, and that the whole business of rolling up, and cutting off, and putting into the said boxes the said tickets, and locking up and sealing the said boxes, shall be performed by the said Directors or any three or more of them before the last six days immediately preceding the day appointed for the drawing of the Lottery to which the tickets shall respectively belong, and to the end that every person concerned may be well assured that the counterpart of the same number with his or her ticket is put into the box marked with the letter A, from whence the same may be drawn and that other matters are done as hereby directed, some public notice in print shall be given of the precise time or times of putting the said tickets into the said boxes, to the end that such contributors as may be minded to see the same drawn may be present at the doing thereof.

Certain books to be kept by manager.

How to prepare tickets for the drawing.

VIII.

Manner of drawing.

VIII. And be it enacted, That on or before the respective days that shall be appointed for the commencement of the distributing of each of the said allotments respectively, the said Directors or any three or more of them, shall cause the said several boxes with all the tickets therein for the said allotments to be brought into some convenient place within the said City of Toronto, whereof due notice shall be published in one or more of the Newspapers published in the several Districts through which it is intended the said Rail-road shall pass, fourteen days at least before the day appointed for the commencement of such distribution, so that the same may be there and placed on a table provided for that purpose, at such hour of the day as the said Directors or any three or more of them shall fix and appoint, and shall then and there attend this service, and cause the two boxes containing the said tickets to be taken out of the other two boxes in which they shall have been locked up, and the tickets in the respective innermost boxes, being in the presence of the said Directors, or such of them as shall be then present, and of such contributors as may be there for the satisfaction of themselves, well shaken and mingled distinctly in each box or wheels provided for the purpose, some one indifferent and fit person to be appointed and directed by the said Directors or the major part of them, or of such of them as shall be then present, shall take out and draw one ticket from the box or wheels where the said numbered tickets shall be put as aforesaid, and one other indifferent and fit person to be appointed and directed in like manner shall take out a ticket from the box or wheels where the fortunate and blank tickets shall be promiscuously put as aforesaid, and immediately both the tickets so drawn shall be opened and the number as well of the fortunate as of the blank ticket shall be named aloud, and if the ticket taken or drawn from the box or wheels containing the fortunate and blank tickets shall appear to be a blank, then the numbered ticket so drawn with the said blank at the same time drawn shall both be put upon one file, and if the ticket so drawn or taken from the box containing the fortunate and blank tickets shall appear to be one of the fortunate tickets, then the principal prize written upon such fortunate ticket shall be entered by a Clerk whom the said Directors or the major part of them as aforesaid shall employ and oversee for this purpose, into a book to be kept for entering the numbers coming up with the said fortunate tickets, and the principal prizes whereunto they shall be entitled respectively, and the said Directors or the major part of them as aforesaid, shall set their names as witnesses to such entries, and the said fortunate and numbered tickets so drawn together, shall be put upon another file and so the said drawing of the tickets shall continue by taking one ticket at a time out of each box and with opening, naming aloud and filing the same, and by entering the fortunate lots in the manner aforesaid until the whole number of fortunate tickets shall be completely allotted, and should the same not be performed in one day, the said Directors or a majority of them shall cause the same to be locked up and sealed in manner aforesaid, and adjourn till the next day of drawing of the said lottery and so for each day of distributing the said tickets by chance as aforesaid, and the said Directors or a majority of them shall and may regulate the time of continuing to allot the tickets, and lessen or increase the number of the tickets to be so allotted on each day of distributing as they or the major part of them shall in their discretion think necessary, and shall proceed therein for such number of days as shall have been appointed by the said Directors or a major part of them for that purpose, till the whole number of fortunate tickets shall be completely drawn as aforesaid, and afterwards the said numbered tickets so drawn with the fortunate tickets drawn against the same, shall be and remain in a strong box locked up as aforesaid, and under the custody of the said Directors, until they shall take them out to examine, adjust and settle the property thereof,

IX. And be it enacted, That if any person or persons shall forge or counterfeit or cause or procure to be forged or counterfeited, or willingly act or assist in the forging or counterfeiting of any ticket or tickets, scrip or scrips, order or orders made forth by virtue of this present Act, or alter any number, figure, or word therein, or knowingly either vend, barter or dispose of any such false, altered, forged or counterfeited ticket or tickets, scrip or scrips, order or orders, or shall bring any such forged or counterfeited ticket, scrip or order, or any ticket, scrip or order the number whereof or any figure or word therein shall have been altered, knowing the same to have been forged, counterfeited or altered, to the said Directors or any of them, or to any other person or persons whatever, with a fraudulent intention, or shall willingly aid, abet, assist, hire or command any person or persons to commit any such offence or offences as aforesaid, then in every such case all and every such person or persons being thereof convicted in due form of law shall be adjudged a felon, and shall be liable to all the pains and penalties of felony, and the said Directors or the major part of them are hereby authorized, required and empowered to cause any person or persons bringing or uttering such forged or counterfeit ticket or tickets, scrip or scrips, order or orders, as aforesaid, or aiding, abetting, assisting, hiring or commanding any person or persons herein, to be apprehended and to commit him, her or them to Her Majesty's Gaol of the District or place where such person shall be so apprehended, to be proceeded against for the said felony according to law: Provided always, that out of the moneys arising from the said allotments respectively, the said Directors, or the major part of them, including the manager entrusted with the distribution of the said tickets as aforesaid, shall have power to discharge all outlays made in furtherance of the objects of this Act by the said Manager with the sanction of the said Directors, and all such incidental charges not hereby otherwise provided, as shall necessarily attend the execution of this Act in such manner as to them shall seem just and reasonable; and after paying and deducting thereout such charges and expences as aforesaid, and the per centage hereafter named, the said Directors shall stand possessed of the said moneys so to be received as hereinafter mentioned, until the election or appointment of other Directors as hereinafter provided; and immediately after the election or appointment of such Directors, the said first named Directors shall transfer and pay over the balance of such moneys to such Directors or to the President of the said Company, to be applied by them for the purposes of this Act as hereinafter provided: And provided further, and it is hereby declared, that the drawers or holders of the fortunate tickets, immediately after the drawing of each of the said lotteries in manner aforesaid, shall be entitled to exchange their tickets respectively, for a scrip or scrips from the said Directors, and the said Directors, or a major part of them, shewing the number of shares which such fortunate tickets respectively represent; and the holders of such scrips shall in all respects and for all purposes be considered and are hereby respectively declared to be a Stockholder or Stockholders in the said Company for the number of shares mentioned in such scrip or scrips: Provided always, that the said drawers of such fortunate tickets shall, before receiving such scrips as aforesaid, pay to the said Manager such a per-centage on the amount of stock to which such drawer shall be entitled, as the said Directors shall think reasonable, not exceeding twelve per cent., for the services, pains and labours of the said Manager in and about the said allotment, and in the furtherance of the object of this Act, and for their costs and expenses in advertising, printing, and otherwise: and the said Manager is hereby authorized and empowered to demand and receive the same: And provided further, that immediately after the election or appointment of other Directors as hereinafter provided, the holders of such scrips respectively shall be entitled

Penalty on forging or counterfeiting tickets.

Proviso.

Proviso.

Proviso.

Proviso.

entitled to receive from the said new Directors, and they are hereby directed and empowered to issue and deliver to such holders of scrips respectively, so many shares or so much scrip as shall be equal to the number of shares mentioned in such certificates respectively.

Company em-
powered to
enter upon
lands.

X. And be it enacted, That it shall and may be lawful for the said Company, their agents and workmen, and all other persons by them authorized, and they are hereby empowered to enter into and upon the lands of the Queen's Most Excellent Majesty, and of any person or persons, bodies or body politic, corporations aggregate or sole, whatsoever, and to survey and take levels of the same, or any part thereof, and to set out and appropriate, for the purposes of this Act, such parts thereof as they are by this Act empowered to take or use, and in and upon such lands or any lands adjoining thereto, to bore, dig, cut, embank and to remove or lay, and also to use, work and manufacture any earth, stone, rubbish, trees, gravel or sand or any other matters or things which may be dug or obtained thereon or otherwise, in the execution of the powers of this Act, and which may be proper or necessary for making, maintaining, altering, repairing or using the said Rail-road and other works by this Act authorized, or which may obstruct the making, maintaining, altering, repairing or using the same respectively, according to the true intent and meaning of this Act; and also for the purposes and according to the provisions and restrictions of this Act, to make and construct such inclined planes, tunnels, embankments, aqueducts, bridges, roads, ways, passages, conduits, drains, piers, arches, cuttings and fences, as the said Company shall think proper, and to make drains or conduits into, through or under any lands adjoining the said Rail-road, and also in and upon the said Rail-road or any lands adjoining or near thereto, to erect and make such toll and other houses, warehouses, yards, stations, engines and other works and conveniences connected with the said Rail-road as the said Company shall think proper, and also from time to time to alter, repair or discontinue the before-mentioned works or any of them, and to substitute others in their stead, and generally to do and execute all other matters and things necessary and convenient for constructing, maintaining, altering or repairing and using the said Rail-road and other works by this Act authorized, they, the said Company, their agents and workmen, doing as little damage as may be in the execution of the several powers to them hereby granted; and the said Company making full satisfaction, in manner hereinafter mentioned, to all persons and corporations interested in any lands which shall be taken, used or injured and for all damages to be by them sustained, in or by the execution of all or any of the powers hereby granted: and this Act shall be sufficient to indemnify the said Company and all other persons for what they or any of them shall do by virtue of the powers hereby granted, subject, however, to such restrictions and provisions as are hereinafter mentioned and contained.

Lands taken
for Rail-road
not to exceed
a certain
breadth.

XI. And be it enacted, That the lands to be taken for the line of the said Rail-road shall not exceed forty yards in breadth, except in those places upon the line of such Rail-road, where a greater breadth shall be judged necessary for carriages to wait, load or unload, or to turn or pass each other, or for raising embankments; for crossing villages or low grounds, for cuttings, or for the erection or establishment of any fixed or permanent machinery, toll-house, ware-house, wharf, or other erections and buildings, or for the protection of the said Rail-road, from the falling of timber growing upon or along the line of the said Rail-road, and not in any place exceeding two hundred yards in breadth, except at the terminus of the said Rail-road, and at each of such termini not exceeding

exceeding three hundred yards square, unless with the previous consent in writing, of the owners or occupiers of any lands, which the said Company shall be desirous of appropriating to the obtaining of greater space: Provided always, that nothing in this Act contained, shall prevent the said Company from purchasing, having, holding, using and enjoying for any estate or interest; but they are hereby authorized from time to time, to purchase, have, hold, take, receive, use, and enjoy, without the line of the said Rail-road, either at the termini, or at any of the stations of the said Rail-road, or along the line of the said Rail-road, any lands, tenements and hereditaments which it shall please Her Majesty to give, grant, sell and convey, or which any person or persons, body or bodies politic, corporations aggregate or sole, shall give, grant, sell or convey unto, and to the use of, or in trust for the said Company, their successors and assigns, so as the aggregate quantity of such land so held, shall not exceed one hundred thousand acres, and it shall and may be lawful for the said Company, from time to time, by deed of bargain, and sale or otherwise, to grant, bargain, sell or convey any of such lands: Provided always, that it shall not be lawful for the said Company to retain in their possession, use and enjoyment, or to purchase, have, hold, take, receive, use or enjoy, any such lands, without the line of the said Rail-road, otherwise than for the better and more effectual repairing, maintaining and using the said Rail-road, and other works hereby authorized after the expiration of ten years from and after the completion of the said Rail-road; And provided also, that nothing in this Act contained, shall prevent the said Company, under the seal of the said Company, from granting, conveying and assuring, but they are hereby authorized to grant, convey and assure any of such lands, without the line of the said Rail-road, and not necessary to be used therewith, or with the other works hereby authorized, unto and to the use of the several and respective Members of the said Company, in proportion to the shares respectively held by them, in such manner as shall be regulated at a General Meeting of the said Company, convened for the purpose of apportioning such lands, of the time and place of holding which meeting, at least three months' notice shall be published in one or more of the newspapers published in the several Districts through which the said Rail-road shall pass, and shall also be transmitted by post, by the Secretary of the said Company, to the several and respective members of, and proprietors of shares in the said Company, at least four months before the day appointed for holding any such meeting.

XII. And be it enacted, That for the purposes of this Act, the said Company shall and may by some sworn Land Surveyor in the Province, and by an Engineer by them to be appointed, cause to be taken and made surveys and levels of the said lands through which the said intended Rail-road is to be carried, together with a map or plan of such intended Rail-road and the course and direction thereof, and of the said lands through which the same is to pass, and also a Book of Reference of the said Rail-road, in which shall be set forth a description of the said several lands, and the names of the owners, occupiers and proprietors thereof, so far as the same can be mentioned, and in which shall be contained every thing that is necessary for the right understanding of such map or plan, copies of which said map or plan and book of reference, shall on the completion of such survey, map, and book of reference, be deposited by the said Company in the offices of the respective Clerks of the Peace for the several Districts through which the said Rail-road or any part thereof shall pass, and also in the office of the Secretary of the Province; and all persons shall have liberty to resort to such copies so to be deposited as aforesaid, and to make extracts from or copies thereof as occasion shall require, paying to the said Secretary of this Province or to the said
 respective

Proviso: no lands to remain in their possession, without line of Rail-road.

Proviso: no lands to remain in their possession, without line of Rail-road, unless for the better maintaining of the Road.

Proviso: Company may grant, &c. lands without line of Rail-road, and not necessary to be used.

Company to take surveys and levels of the lands through which the Road is to be carried and make a map or plan thereof.

Book of reference to be made and deposited with plan.

Copies of plan, &c. certified by Clerks of the Peace or Secretary of Province, good evidence in Courts of Law.

respective Clerks of the Peace at the rate of six pence current money of this Province for every one hundred words, and the said copies of the said map or plan and book of reference so deposited, or a true copy or copies thereof, certified by the Secretary of the Province, or by one of the said Clerks of the Peace for the said respective Districts, shall severally be, and they are hereby declared to be good evidence in the Courts of Law and elsewhere.

Company may sink shafts, &c., wherever necessary.

XIII. And be it enacted, That in case it shall be found necessary to form shafts, pits, eyes or openings to or from any tunnel to be made for the purposes of this Act, it shall be lawful for the said Company to sink and construct such shafts, pits, eyes or openings in such places as the said Company shall think necessary.

Height and breadth of bridges over any highways.

XIV. And be it enacted, That when the said Rail-road shall be carried over or across any highway, otherwise on a level, the same shall be so carried over or across such highway at the expense of the said Company by means of a bridge, and the space of the arch of any such bridge shall be framed, and at all times be kept and continued by the said Company of such breadth as to have and leave a clear and open space under every such arch of not less than fifteen feet, and a height from the surface of such public highway to the centre of such arch of not less than sixteen feet, and the descent under any such bridge shall not exceed one foot in thirteen, and that in all places where it shall be necessary to erect, build, or make any bridge or bridges for carrying any public highway or carriage road over the said Rail-road, the ascent of every such bridge for the purpose of every such road shall not be more than a foot in thirteen feet, and a good and sufficient fence shall be made at the expense of the said Company on each side of every such bridge, not less than four feet above the surface of such bridge; and that in all places where the said Rail-road shall cross any public highway on a level, the ledge or flange of the said Rail-road for the purpose of guiding the wheels of the carriages, or the rail itself, if there be no ledge or flange, shall not rise above nor sink below the level of such road more than one inch; and that in all such places the said Company shall erect and at all times maintain a good and sufficient gate on each side of such Rail-road, where the said public highway shall communicate therewith, which gates shall be constantly kept shut except at such time as they shall be required to be opened for the use of any person or persons using such public highway and desiring to cross the said Rail-road, and every person so using the said public highway and requiring the said gates to be opened for the purpose aforesaid, shall, and is hereby required to cause the said gates and each of them to be shut so soon as he shall have used the same respectively for the purpose aforesaid, under the penalty of five pounds currency in default thereof for every such offence, to be recovered in like manner as any other penalty under this Act may be recovered: Provided always, and be it enacted, That the said Company shall at each and every place where the Rail-road shall cross any highway on a level, erect and keep up a sign board stretching across the highway at such height as to leave sixteen feet from the highway to the lower edge of the sign board, and having the words "*Rail-way Crossing*" painted on each side of such sign board, in letters not less than six inches in length, and for each and every neglect to comply with the requirements of this section, the said Company shall incur a penalty not exceeding fifty pounds.

When Rail-road crosses a highway, the rail, &c., to be within one inch of the surface.

Precautions to be observed when the Rail-way crosses a highway on a level.

After any lands have been set out,

XV. And be it enacted, That after any lands or tenements shall be set out and ascertained in manner aforesaid for making and completing the said Rail-road, and other

other works and other purposes and conveniences hereby authorized, it shall and may be lawful for all bodies politic, corporations aggregate or sole, executors or administrators, mortgagees and all other trustees or persons whomsoever, not only for and on behalf of themselves, their heirs and successors, but also for and on behalf of those whom they represent, whether infants, issue unborn, lunatics, idiots, *femes-covert*, mortgagors, *cestuique trustent*, or other person or persons who are or shall be seized, possessed of or interested in any lands or tenements which shall be set out and ascertained as aforesaid, or any part thereof, to contract for and to sell and convey unto the said Company, their successors and assigns, all or any part of such lands or tenements, which shall from time to time be set out and ascertained as aforesaid, and that all contracts, agreements, sales, conveyances and assurances so to be made, shall be valid and effectual in law to all intents and purposes whatsoever, any law, statute, usage or custom to the contrary thereof in any wise notwithstanding; and all bodies politic, corporations aggregate or sole, and all persons whatsoever so conveying as aforesaid, are hereby indemnified for what he, she or they, or any of them shall respectively do by virtue of or in pursuance of this Act; and all such contracts, agreements, sales, conveyances and assurances, shall and may be registered by the said Company, in the Registry Offices of the respective Counties wherein such lands shall be respectively situated, upon a memorial thereof duly executed by any of the grantors named therein respectively, or by the Secretary of the said Company, in the name of, and on behalf of, and under the seal of the said Company, in like manner as any other conveyances of land may by law be registered.

all bodies corporate, &c., may sell their property therein to the Company.

XVI. And be it enacted, That it shall be lawful for the said Company to apply to the several owners and occupiers of the lands and tenements and hereditaments through which the said Rail-road is intended to be carried, and to agree with such owners or occupiers respectively, touching the compensation to be paid to them by the said Company, for the purpose of the said Rail-road and other works, and for the respective damages of such owners and occupiers; and in case of disagreement between the said Company and the said owners or occupiers or any of them, or in case of the said Company being unable to ascertain who is or are the owner or owners of such lands, or in case of the absence of any such owners, or in case of any of such owners or persons interested in any such lands or tenements being *femes-covert*, infants, idiots, lunatics, of unsound mind, or for any reason incapable of contracting with the said Company, or of conveying and assuring such lands to the said Company, or of releasing the said Company from all claims for such damages, then and in any of such cases it shall and may be lawful for the said Company to deposit such sums as they shall be willing to give for such lands and damages in the Court of Chancery, together with six months interest thereon, in such manner as the said Court shall upon the motion of the said Company direct for the benefit of all persons, bodies corporate or communities interested in any of such lands, tenements, or hereditaments that shall or may be required by the said Company, and shall by the said Company be taken or affected or prejudiced by the execution of any of the powers hereby granted; and immediately upon the payment or tender of such sum or sums as shall be contracted or agreed upon between the said Company and the several parties interested in any of such lands and upon payment of such sum or sums in respect of any such lands into the Court of Chancery as aforesaid, then such lands, tenements, hereditaments and premises respectively, may be immediately entered upon and taken possession of by the said Company, and shall be and become vested in the said Company and applied to the purpose

Company may carry Road through lands, and agree with the owners.

In case of Proprietors of lands being *femes-covert* &c., price of lands may be deposited in Court of Chancery.

purpose of making, maintaining and repairing the said Rail-road and other works and conveniences thereto appertaining.

Proceedings to take place on such payment being made to the Court of Chancery.

XVII. And be it enacted, That upon such payment being made into the Court of Chancery as aforesaid, it shall be the duty of the said Company to cause a notice to be published for three months in some newspaper published in the District in which such respective pieces of land lie, or in case of there being no newspapers published in any such District, then such notice shall be published in some newspaper published in one of the Districts adjoining the District in which such land shall lie; and such notice shall state the amount paid into the said Court of Chancery and the particular piece or parcel of land in respect of which such amount is so paid, and it shall and may be lawful for the owners or occupiers of such respective lands, tenements or hereditaments, or any of the persons interested therein, to summon the said Company at any time within twelve months from the first publication of such notice, to appear before the Chairman of the General Quarter Sessions of the Peace at the then next Court of General Quarter Sessions, to be held in the District where such respective pieces or parcels of land shall lie, and the said complainant and the said Company may thereupon severally and respectively nominate and appoint any one Justice of the Peace in and for such District, who together with such Chairman, may enter upon and view the place or places in question, and shall take down in writing the evidence upon oath of such persons as may be brought before them to give evidence touching the matters in controversy, which oaths the Chairman is hereby authorized and required to administer, and the said Chairman and two Justices so appointed as aforesaid, are hereby authorized to assess and ascertain the sum or sums of money to be paid by the said Company for the purchase of the said respective pieces of land and damages, and shall, in estimating the value of such respective pieces of land, and the amount of such damages, take into consideration any damage or inconvenience as well as any advantage or convenience which may accrue or arise to the respective owners and occupiers of or persons interested in such respective pieces of land, and the decision of such Chairman and Justices, or a majority of them, shall be final and conclusive between all parties whomsoever, and in the event of the amount so assessed or ascertained as the purchase money and damage in respect of such respective pieces or parcels of land being the same as or less than the amount paid into the said Court of Chancery in respect thereof, then the costs of the said Company incidental to such enquiry shall be deducted and paid out of the said sum so paid into the said Court of Chancery: but in case the amount so assessed or ascertained shall be greater than the sum so paid into the Court in respect of such respective pieces of land, it shall and may be lawful for the said Chairman to issue his Warrant directed to the Sheriff of any of the Districts through which such Rail-road shall pass, requiring him to make the excess of such amount so assessed over and above the sum so paid into the said Court of Chancery, together with the costs attending the said enquiry, out of the goods, chattels and effects of the said Company, and the said Chairman is hereby authorized to tax the costs of both parties attending and incidental to the said enquiry: Provided always, that no greater fees or disbursements shall be allowed than are allowed upon proceedings in the said Court of General Quarter Sessions: And provided also, that the said Chairman shall be entitled to tax and allow to himself, and each of the said Justices, the sum of thirty shillings for every day during which they shall be engaged in such enquiry, and the evidence upon such enquiry, together with the judgment or decision given thereon, shall be filed of record in the said Court of General Quarter Sessions of the Peace, and the decision of the Chairman and Justices,

or

Proviso.

or of the majority of them, shall be certified by the said Chairman under his hand and seal to the said Court of Chancery, and filed of record in the said Court of Chancery.

XVIII. And be it enacted, That the said Company shall, and they are hereby required at their own expense, after any lands shall be taken and used for the purposes of the said Rail-road and other works, to separate the same and to keep the same constantly separated from the lands adjoining to the said Rail-road and other works, with good and sufficient posts, rails, hedges, ditches, mounds or other fences, in case the owners of such lands adjoining to such Rail-road or other works, or any of them respectively, shall at any time desire the same to be fenced off, or in case the said Company shall think proper to fence off the same, and in case the lands on either side of the said Rail-road shall be owned or occupied by the same person, then to enable such person, his or her servants and workmen to cross the said Rail-road, the said Company shall make and maintain all necessary gates and stiles in all such fences to be made as aforesaid, all such gates being made to open towards such lands and not towards such Rail-road, and also all such bridges, arches or culverts as shall be necessary for the more commodious communication between the said lands on either side of the said Rail-road; Provided always, that the power to cause such gates, stiles, bridges, arches and culverts to be erected at the expense of the said Company, shall cease after the expiration of two years from and after the completion of the said Rail-road; And provided also, and be it enacted, That in every case in which the owner of any lands or other person or persons by this Act authorized and capacitated to convey, shall in their arrangements with the said Company have received or agreed to receive compensation for gates, stiles, bridges, arches or culverts, instead of the same being erected or found by the said Company for the purpose of facilitating the passage to or from either side of the land severed or divided by the said Rail-road, it shall not be lawful for any such owner, or those claiming under him, to pass, and they shall ever be prevented from passing or crossing the said Rail-road from one part to the other part of their lands so severed and divided otherwise than by a gate, stile, bridge, arch or culverts to be erected and maintained at the charge of such owners under the inspection and direction of and according to plans and specifications to be furnished and approved by the Engineer of the said Company.

Company to keep Rail-road separate from lands adjoining thereto by ditches, fences, &c.

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XIX. And be it enacted, That if any person shall, by any means, or in any manner or way whatsoever, obstruct or interrupt the free use of the said Rail-road, or the carriages, engines or other works incidental or relative thereto or connected therewith, such person shall, for every such offence, incur a forfeiture or penalty of not less than one pound five shillings, and not exceeding ten pounds, one half of which penalty or forfeiture (to be recovered at the Court of General Quarter Sessions of the Peace of the District wherein such offence shall be committed), shall go to the prosecutor or informer, and the other half to the said Company.

Penalty on persons obstructing Rail-road.

XX. And be it enacted, That all suits for indemnity for any damage or injury sustained by reason of the powers and authority given by this Act, shall be brought within six calendar months next after the time of such supposed loss sustained, or in case there should be a continuation of damage, then within six calendar months next after the doing or committing such damage shall cease, and not afterwards, and the defendant or defendants shall and may plead the general issue, and give this Act and the special matter in evidence, at any trial to be had thereupon, and may aver that the same was done in pursuance and by authority of this Act.

All applications for indemnity for damage done under this Act to be made within a certain time.

General issue.

XXI.

Punishment of persons breaking down, obstructing or damaging the Rail-road or works of the Company.

XXI. And be it enacted, That if any person or persons shall wilfully and maliciously, and to the prejudice of the said Rail-road authorized to be made by this Act, break, throw down, damage or destroy the same or any part thereof, or any of the houses, warehouses, toll-houses, watch-houses, weigh-houses, weigh-beams, cranes, carriages, vessels, engines, inclined planes, machines, or other works or devices incidental and relative thereto or connected therewith, or do any other wilful hurt or mischief, or wilfully or maliciously obstruct or interrupt the free use of the said Rail-road, vessels or works, or shall obstruct, hinder or prevent the carrying on, completing, supporting and maintaining the said intended Rail-road; vessels or works, such person or persons shall be adjudged guilty of a misdemeanor, and the Court by and before whom such person or persons shall be tried and convicted, shall have power and authority to cause such person or persons to be punished in like manner as persons convicted of a misdemeanor are directed to be punished by the laws in force in this Province, or in mitigation thereof, to award such sentence as the law directs in cases of simple larceny, as to the Court shall seem fitting,

Company may borrow money,

XXII. And be it enacted, That the said Company may from time to time lawfully borrow, either in this Province or elsewhere, such sum or sums of money not exceeding at any time the sum of two hundred and fifty thousand pounds currency, as they may find it expedient, and at such rate of interest, not exceeding six per centum per annum, as they may think proper, and may make the bonds, debentures or other securities they shall grant for the sums so borrowed, payable either in currency or in sterling, and at such place or places within or without this Province as they may deem advisable, and may mortgage or pledge the lands, tolls, revenues or other property of the said Company for the due payment of the said sums and the interest thereon.

and grant mortgage.

Votes of proprietors according to the number of shares.

XXIII. And be it enacted, That the number of votes to which each proprietor of shares in the said undertaking shall be entitled on every occasion when, in conformity to the provisions of this Act, the votes of the members of the said Company are to be given, shall be in proportion to the number of shares held by him, that is to say : one vote for each share less than fifteen ; Provided always, that no proprietor as aforesaid shall have more than fifteen votes, and all proprietors of shares, whether resident in this Province, may vote by proxy, if he, she or they shall see fit, provided that such proxy do produce from his constituent or constituents a notice in writing in the words or to the effect following, that is to say :

Proviso.

Form of appointment of proxy.

" I, _____, of _____,
 " one of the proprietors of the Toronto, Simcoe and Huron Rail-road, do hereby
 " nominate, constitute and appoint _____, of _____,
 " _____ to be my proxy in my name, and in my absence to
 " vote or give my assent or dissent to any business, matter or thing relating to the said
 " undertaking that shall be mentioned or proposed at any meeting of the Proprietors of
 " the said undertaking, or any of them, in such manner as he, the said
 " _____ shall think fit, according to his opinion and judgment, for the
 " benefit of the said undertaking or any thing appertaining thereto. In witness whereof,
 " I have hereunto set my hand and seal, the _____ day of _____
 " in the year one thousand eight hundred _____."

And

And such vote or votes, by proxy, shall be as valid as if such principals had voted in person; and whatever question, election of proper officers, matters or things shall be proposed, discussed or considered in any public meeting of the proprietors to be held by virtue of this Act, shall be determined by the majority of votes and proxies then present and so given as aforesaid, and all decisions and acts of any such majority shall bind the said Company, and be deemed the decision and acts of the said Company; Provided always, and be it enacted, that no proprietor who shall not be a natural born subject of Her Majesty, or a subject of Her Majesty naturalized under an Act of the British Parliament or an Act of the Parliament of this Province, shall be elected President or Treasurer of the said Company.

None but British subjects to be President or Treasurer.

XXIV. And be it enacted, That no Shareholders in the said Company shall be in any manner whatsoever liable or charged for any debt or demand due by the said Company beyond the payment or the extent of his, her or their share in the capital of the said Company not paid up.

Shareholders not liable for debts of Corporation.

XXV. And be it enacted, That when and as soon as the shares in the said Stock shall be disposed of by the distribution of the said allotment or allotments, it shall be lawful for any ten of the holders of shares in the said Company, holding among them at least two hundred shares, to call a meeting at the City of Toronto of the holders of such shares for the purpose of electing Directors, other than those hereinbefore named and appointed; Provided always, that in any case public notice of the time and place of holding such meeting shall be given during one month in two of the newspapers published in the said City of Toronto; and at such general meeting the Proprietors assembled with such proxies as shall be present, shall choose eleven persons, being each a proprietor of not less than twenty shares in the said undertaking, to be Directors of the said Company in such manner as is hereinafter directed, and shall also proceed to pass such Rules and Regulations and By-laws as shall seem to them fit, provided they be not inconsistent with this Act.

First General Meeting of proprietors to be held in Toronto.

To elect a Board of Directors.

XXVI. And be it enacted, That the Directors so elected, (or those appointed in their stead in case of vacancy,) shall remain in office until the first Monday in the month of June next following; after the distribution of the said allotments, and that on the said first Monday in June, and on the first Monday in June in each year thereafter, or on such other day as shall be appointed by any By-law, an annual general meeting of the said Proprietors shall be held at the office of the Company, for the time being, to choose Directors in the room of those whose office may at that time become vacant, and generally to transact the business of the Company; but if at any time it shall appear to any ten or more of such Proprietors holding together two hundred shares at least, that for more effectually putting this Act in execution, a special general meeting of Proprietors 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 two public newspapers as aforesaid, or in such manner as the Company shall by any By-law direct or appoint, specifying in the said notice the time and place and the reason and intention of such special meeting respectively; and the proprietors are hereby authorized to meet pursuant to such notices, and proceed to the execution of the powers by this Act given them with respect to the matters so specified only; and all such acts of the Proprietors or the majority of them at such special meetings assembled, such majority not having either as principal or proxies less than two hundred shares, shall be as valid to all intents and purposes as if the same

In the month of June in each year a Board of Directors to be elected.

Special Meeting of proprietors may be called.

Quorum at such General Meeting.

were

Proviso: vacancies among the Directors may be filled.

were done at annual meetings ; Provided always, that it shall and may be lawful for the said Directors, in case of the death or absence, resignation or removal of any person elected a Director, to manage the affairs of the said Company, in manner aforesaid to appoint another or others in the room or stead of those of the Directors who may die or be absent, resign or be removed as aforesaid ; any thing in this Act to the contrary notwithstanding ; but if such appointment be not made, such death, absence or resignation shall not invalidate the acts of the remaining Directors.

Three Directors shall annually retire, but may be re-elected.

Proviso.

XXVII. And be it enacted, That at each of the said annual meetings of the Proprietors, three of the said eleven Directors shall retire in rotation, the order of retirement of the said first elected eleven Directors being decided by lot ; but the Directors then or at any subsequent time retiring shall be eligible for re-election ; Provided always, that no such retirement shall have effect unless the Proprietors shall at such annual meeting proceed to fill up the vacations thus occurring in the Direction.

Directors to elect a President,

and Vice-President.

XXVIII. And be it enacted, That the Directors shall at their first (or at some other) Meeting after the day appointed for the Annual General Meeting in each year, elect one of their Members to be the President of the said Company, who shall always (when present) be the Chairman of and preside at all Meetings of the Directors, and shall hold his office until he shall cease to be a Director, or until another President shall be elected in his stead, and the said Directors may in like manner elect a Vice-President, who shall act as Chairman in the absence of the President.

Five Directors to be a quorum for business.

Proviso.

Casting vote of Chairman.

Proviso: Directors subject to the control of the Meeting.

Proviso: Acts of a majority of quorum to be valid.

XXIX. And be it enacted, That any Meeting of the said Directors, at which not less than five Directors shall be present, shall be a *quorum*, and shall be competent to use and exercise all and any of the powers hereby vested in the said Directors ; Provided always, that no one Director, though he may be a Proprietor of many shares, shall have more than one vote at any meeting of the Directors, except the President and Vice-President when acting as Chairman, or any temporary Chairman who, in case of the absence of the President and Vice-President, may be chosen by the Directors present, either of whom when presiding at a Meeting of the Directors shall, in case of a division of equal numbers, have the casting vote, although he may have given one vote before ; And provided also, that such Directors shall from time to time be subject to the examination and control of the said Annual and Special Meetings of the said Proprietors as aforesaid, and shall pay due obedience to all By-laws of the said Company and to such orders and directions in and about the premises as they shall from time to time receive from the said Proprietors at such Annual or Special Meetings ; such orders and directions not being contrary to the special directions or provisions in this Act contained ; And provided also, that the Act of any majority of a *quorum* of the Directors present at any Meetings regularly held, shall be deemed the act of the Directors.

No Officer of Company or contractor to be Director.

XXX. Provided always, and be it enacted, That no person holding any office, place or employment, or being concerned or interested in any contract or contracts under the said Company, shall, after the distribution of the said allotments, be capable of being chosen a Director or of holding the office of Director.

Annual Meeting to appoint Auditors.

XXXI. And be it enacted, That every such Annual Meeting shall have power to appoint, not exceeding three Auditors, to audit all accounts of money laid out and disbursed

'disbursed on account of the said undertaking, by the Treasurer, Receiver or Receivers, and other officer or officers to be by the said Directors appointed, or by any other person or persons whatsoever, and employed by or concerned for or under them in and about the said undertaking, and to what end the said Auditors shall have power to adjourn themselves over from time to time, and from place to place, as shall be thought convenient by them; and the said Directors, chosen under the authority of this Act, shall have power from time to time to make such call or calls of money from the Proprietors of the said Rail-road and other works, to defray the expense of or to carry on the same as they from time to time shall find wanting and necessary for these purposes; Provided, however, that no call do exceed the sum of ten shillings current money of this Province for every share of five pounds; And provided also, that no call be made but at the distance of one calendar month from each other, and such Directors shall have full power and authority to direct and manage all and every the affairs of the said Company, as well in contracting for and purchasing lands, rights and materials for the use of the said Company, as in employing, ordering and directing the work and workmen, and in placing and removing under officers, clerks, servants and agents, and in making all contracts and bargains touching the said undertaking, and to affix or authorize any person to affix the Common Seal of the Company to any act, deed, By-laws, notice or other document whatsoever, and any such act, deed, By-laws, notice or other document, bearing the Common Seal of the Company and signed by the President, Vice-President or any Director or Directors, shall be deemed the act of the Directors of the said Company, nor shall the authority of the signer of any document purporting to be signed and sealed to sign and affix the said seal thereto be liable to be called in question by any party except the Company, and the Directors shall have such other and further powers as, being vested in the Company by this Act, shall be conferred upon the said Directors by the By-laws of the Company.

Power of Directors to make calls.

Proviso.

How calls to be made.

As to powers of Directors.

XXXII. And be it enacted, That the owner or owners of one or more shares in the said undertaking, shall pay his, her or their shares and proportion of the moneys to be called for as aforesaid to such person or persons, and at such time and place as the said Directors shall from time to time appoint and direct, of which three weeks notice a least shall be given in two newspapers as aforesaid, or in such other manner as the said Proprietors or their successors shall by any By-law direct or appoint; and in case such person or persons shall neglect to pay his, her or their rateable calls as aforesaid for the space of two calendar months after the time appointed for the payment thereof as aforesaid, then he, she or they shall forfeit his, her or their respective share or shares in the said undertaking, and all the profit and benefit thereof, all which forfeiture shall go to the rest of the Proprietors of the said undertaking, their successors and assigns, for the benefit of the said Proprietors, in proportion to their respective interests, and in every case such calls shall be payable with interest from the time the same shall be so appointed to be paid until the payment thereof.

Shareholders bound to pay calls.

Forfeiture for not paying calls.

XXXIII. Provided always, and be it enacted, That no advantage shall be taken of the forfeiture of any share or shares of the said undertaking, unless the same shall be declared to be forfeited at some Annual or Special Meeting of the said Company, assembled after such forfeiture shall be incurred, and every such forfeiture shall be an indemnification to and for every Proprietor so forfeiting, against all action and actions, suit or suits, or prosecutions whatsoever to be commenced or prosecuted for the breach of contract or other agreement between such Proprietor and the other Proprietors with regard to carrying on the said Rail-road or undertaking.

No advantage taken of any forfeiture unless declared at a General Meeting.

XXXIV.

Proprietors may remove any person chosen upon such Board of Directors, and may elect others in case of death, &c.

and make By-laws.

Penalties under By-laws limited.

By-laws to be in writing and published.

Certified copies to be evidence.

Proprietors may dispose of their shares and how.

Form of transfer of shares.

XXXIV. And be it enacted, That the said Company shall always have power and authority at any General Meeting assembled as aforesaid, to remove any person or persons chosen upon such Board of Directors as aforesaid, and to elect others to be Directors in the room of those who shall die, resign or be removed, and to remove any other officer or officers under them, to revoke, alter, amend or change any of the By-laws or Orders prescribed with regard to their proceedings amongst themselves (the method of calling General Meetings, and their time and place of assembling, and manner of voting and appointing Directors only excepted,) and shall have power to make such new Rules, By-laws and Orders for the good government of the said Company, and their servants, agents or workmen, for the good and orderly making and using the said Rail-road, and all other works connected therewith or belonging thereto, as hereby authorized, and for the well-governing of all persons whatever travelling upon or using the said Rail-road and other works or transporting any goods, wares, merchandize or other commodities thereon, and by such By-laws to impose and inflict such fines or forfeitures upon the persons guilty of a breach of such By-laws or Orders, as to such General Meeting shall seem meet, not exceeding the sum of Five Pounds, current money of this Province, for every offence, such fines or forfeitures to be levied and recovered by such ways and means as are hereinafter mentioned, which said By-laws and Orders shall be put into writing under the Common Seal of the said Company, and shall be kept in the office of the Company, and a printed or written copy of so much of them as relate to or affect any party other than the members or servants of the Company, shall be affixed openly in all and every of the places where tolls are to be gathered, and in like manner as often as any change or alteration shall be made to the same, and the said By-laws and Orders so made and published as aforesaid shall be binding upon and observed by all parties, and shall be sufficient in any Court of Law or Equity to justify all persons who shall act under the same, and any copy of the said By-laws, or any of them certified as correct by the President or some person authorized by the Directors to give such certificate, and bearing the Common Seal of the said Company, shall be deemed authentic, and shall be received as evidence of such By-laws in any Court without further proof.

XXXV. And be it enacted, That it shall and may be lawful to and for the several Proprietors of the said Rail-road or undertaking, to sell or dispose of his, her or their share or shares therein, subject to the rules and conditions herein mentioned, and every purchaser shall have a duplicate of the deed of bargain and sale and conveyance made unto him or her, and one part of such deed, duly executed by seller and purchaser, shall be delivered to the said Directors or their Clerk for the time being, to be filed and kept for the use of the said Company, and an entry thereof shall be made in a book or books to be kept by the said Clerk for that purpose, for which no more than one shilling and three pence shall be paid, and the said Clerk is hereby required to make such entry accordingly, and until such duplicate of such deed shall be so delivered to the said Directors or their Clerk, and filed and entered as above directed, such purchaser or purchasers shall have no part or share of the profits of the said undertaking, nor any interest for the said share or shares paid unto him, her or them, nor any vote as a proprietor or purchaser.

XXXVI. And be it enacted, That the sale of the said shares shall be in the form following, varying the names and descriptions of the contracting parties as the case may require :

“ I,

“ I, A. B., in consideration of the sum of _____ paid by
 “ C. D., of _____ do hereby bargain, sell and transfer to
 “ the said C. D. _____ share (or shares) of the stock of the Toronto,
 “ Simcoe and Huron Rail-road Company; to hold to him the said C. D., his executors,
 “ administrators and assigns, subject to the same rules and orders, on the same conditions
 “ that I held the same immediately before the execution hereof; and I, the said C. D.,
 “ do hereby agree to accept of the said _____ share (or shares) subject
 “ to the same rules, orders and conditions.

“ Witness our hands and seals, this _____ day of
 “ in the year one thousand eight _____.”

Provided always, that no such transfer of any share shall be valid until all calls or instalments then due thereon shall have been paid up. Proviso.

XXXVII. And be it enacted, That it shall and may be lawful to and for the said Directors, and they are hereby authorized from time to time, to nominate and appoint a Treasurer or Treasurers, and a Clerk or Clerks to the said Company, taking such security for the due execution of their respective offices as the Directors shall think proper, and such Clerk shall, in a proper book or books, enter and keep a true and perfect account of the names and places of abode of the several Proprietors of the said Rail-road or other works, and of the several persons who shall, from time to time, become owners and proprietors of or entitled to any share or shares therein, and of the other acts, proceedings and transactions of the said Company, and of the Directors for the time being, by virtue of and under the authority of this Act. Directors to appoint a Treasurer and Clerks.
Deputy of the Clerk.

XXXVIII. And be it enacted, That it shall and may be lawful to and for the said Company, from time to time, and at all times hereafter, to ask, demand, take and recover to and for their own proper use and behoof, for all goods wares, merchandize and commodities of whatever description, transported upon the said Rail-road, such Tolls as they, with the approbation of the Governor, or Person administering the Government for the time being, may deem expedient, which said Tolls shall, from time to time, be fixed and regulated by By-laws of the Company, or by the Directors, if thereunto authorized by the said By-laws, and shall be paid to such person or persons, and at such place or places near to the said Rail-road, in such manner and under such regulations as the said Company or the said Directors shall direct and appoint, and in case of denial or neglect of payment of any such rates or dues or any part thereof on demand, to the person or persons appointed to receive the same as aforesaid, the said Company may sue for and recover the same in any Court having competent jurisdiction, and the person or persons to whom the said rates or dues ought to be paid, may, and he is and they are hereby empowered to seize and detain such goods, wares, merchandize or other commodities for or in respect whereof such rates or dues ought to be paid, and detain the same until payment thereof, and in the meantime the said goods, wares, merchandize or other commodities shall be at the risk of the owner or owners thereof, and the said Company or the said Directors shall have full power, from time to time, at any general meeting, with the like approbation aforesaid, to lower or reduce all or any of the said tolls, and again to raise the same as often as it shall be deemed necessary for the interest of the said undertaking: Provided always, that the said tolls shall be, at all times, charged equally to all persons after the same rate Proprietors may establish Tolls for all goods, &c., passing on the Rail-road.
How Tolls may be recovered if not paid.
Seizure of goods, &c.
Tolls may be lowered and again raised.
Proviso against monopoly.

rate in respect of all passengers, and of all goods or carriages of the same description, and conveyed or propelled by a like carriage or engine passing over the same portion of the line of Rail-road under the same circumstances, and no reduction or advance in any such tolls shall be made directly or indirectly in favor of or against any particular Company, person or party travelling upon or using the Rail-road, or so as collusively or unfairly to create a monopoly either in the hands of the said Company or of any other Company, person or party.

Accounts of profit to be annually made up and balanced.

XXXIX. And in order to ascertain the amount of the clear profits of the said undertaking—Be it enacted, That the said Company or the Directors of the said Company shall and they are hereby required to cause a true, exact and particular account to be kept and annually made up and balanced on the thirty-first day of December in each year, of the money collected and received by the said Company or by the Directors or Treasurer of the said Company, or otherwise, for the use of the said Company by virtue of this Act, and of the charges and expenses attending the erecting, making, supporting, maintaining and carrying on their works, and of all other receipts and expenditures of the said Company or the said Directors: And at the General Meetings of the proprietors of the said undertaking to be from time to time holden as aforesaid, a dividend shall be made out of the clear profits of the said undertaking, unless such meetings shall declare otherwise, and such dividend shall be at and after the rate of so much per share upon the several shares held by the proprietors in the Joint Stock of the said Company as such meeting or meetings shall think fit to appoint or determine; Provided always, that no dividend shall be made whereby the Capital of the said Company shall be in any degree reduced or impaired, nor shall any dividend be paid in respect of any share after a day appointed for payment of any call for money in respect thereof until such call shall have been paid.

Dividends to be made from time to time at General Meetings.

Proviso: Capital not to be impaired.

Fractions in miles and in weights of goods in ascertaining rates how regulated.

XL. Provided always, and be it enacted, That in all cases where there shall be a fraction in the distance which goods, wares, merchandize or other commodities or passengers shall be conveyed or transported on the said Rail-road, such fraction shall, in ascertaining the said rates, be deemed and considered as a whole mile, and that in all cases where there shall be the fraction of a ton, in the weight of any such goods, wares, merchandize, and other commodities, a proportion of the said rates shall be demanded and taken by the said Company of Proprietors to the number of quarters of a ton contained therein, and in all cases where there shall be a fraction of a quarter of a ton, such fraction shall be deemed and considered as a whole quarter of a ton.

Proprietors may at General Meeting make By-laws for fixing price for carriage of parcels by the Rail-road.

XLI. Provided always, and be it enacted, That it shall and may be lawful to and for the Directors of the said Company, from time to time, with the like approbation aforesaid, to make such regulations for ascertaining and fixing the price, or sum or sums of money, to be charged or taken for the carriage of any parcel, not exceeding one hundred and twenty pounds weight as aforesaid, upon the said Rail-road, or any part thereof, as to them shall seem fit and reasonable, and that the said Company shall from time to time, print and stick up, or cause to be printed and stuck up in their office, and in all and every of the places where the Tolls are to be collected, in some conspicuous place there, a printed board or paper showing all the Tolls payable under this Act, and particularising the sum or sums of money to be charged or taken for the carriage of such parcels not exceeding one hundred and twenty pounds in weight as aforesaid.

Table of Tolls to be publicly affixed.

XLII. Provided always and be it enacted, That the said Company shall at all times, when thereunto required by Her Majesty's Deputy Postmaster General, the Commander of the Forces, or any person having the Superintendence or Command of any Police Force, carry Her Majesty's Mails, Her Majesty's Naval or Military Forces or Militia, and all artillery, ammunition, provisions or other stores for their use, and all policemen, constables and others, travelling on Her Majesty's service, on the said Rail-way, on such terms and conditions, and under such regulations as the Governor or person administering the Government shall, in Council, appoint and declare: Provided always, that any further enactments which the Legislature of this Province may hereafter deem it expedient to make, with regard to the carriage of the said Mails or Her Majesty's Forces, and other persons and articles as aforesaid, or the rates to be paid for carrying the same, or in any way respecting the use of any Electric Telegraph or other service to be rendered by the Company to the Government, shall not be deemed an infringement of the privileges intended to be conferred by this Act.

Provisions as to the carriage of Her Majesty's Mail, &c.

Proviso: Legislature may make further provisions.

XLIII. And be it enacted, That as soon as conveniently may be after the said Rail-road shall be completed, the said Company shall cause the same to be measured, and stones or posts, with proper inscriptions on the sides thereof denoting the distance, to be erected and forever after maintained at a distance of every mile from each other.

Company to have Rail-road measured and miles marked.

XLIV. And be it enacted, That the said Company shall and are hereby required and directed to take sufficient security by one or more bond or bonds, in a sufficient penalty or penalties from their Treasurer, Receiver and Collector for the time being, of the moneys to be raised by virtue of this Act, for the faithful execution by such Treasurer, Receiver and Collector of his and their office and offices respectively.

Treasurer, Receiver and Collector to give security.

XLV. And be it enacted, That all fines and forfeitures imposed by this Act, which shall be lawfully imposed by any By-law to be made in pursuance thereof, (of which By-law when produced, all Justices are hereby required to take notice,) the levying and recovering of which fines and forfeitures are not particularly herein directed, shall upon proof of the offence before any one or more Justice or Justices of the peace, for any of the Districts through which the said Rail-road shall pass, either by the confession of the party or parties, or by the oath or affirmation of any one credible witness, (which oath or affirmation such Justice or Justices are hereby empowered and required to administer without fee or reward,) be levied by distress and sale of the offender's goods and chattels by Warrant under the hand and seal or hands and seals of such Justice or Justices, and all such fines, forfeitures or penalties by this Act imposed or authorized to be imposed, the application whereof is not hereinbefore particularly directed, shall be paid into the hands of the Treasurer or Receiver of the moneys to be raised by virtue of this Act, and shall be applied and disposed of for the use of the said Rail-road or undertaking, and the overplus of the money raised by such distress and sale, after deducting the penalty and the expenses of levying and recovering thereof, shall be rendered to the owner of the goods so distrained and sold; for want of sufficient goods and chattels whereof to levy, the said offender shall be sent to the common Gaol for any of such Districts, there to remain without bail or mainprize for such term not exceeding one month, as such Justice or Justices shall think proper, unless such penalty and forfeiture and all expenses attending the same shall be sooner paid and satisfied.

Fines under this Act how to be recovered.

Levy by distress and sale of goods and chattels.

Imprisonment for want of sufficient chattels.

Persons ag-
grieved may
appeal to the
general ses-
sions.

XLVI. And be it enacted, That if any person or persons shall think himself or herself or themselves aggrieved by any thing done by any Justice or Justices of the Peace in pursuance of this Act, such person or persons may, within four calendar months after the doing thereof, appeal to the Justices of the Peace at the General Quarter or General Sessions to be holden in and for the District.

Limitation of
actions for
things done in
pursuance of
this Act.

XLVII. And be it enacted, That if any action or suit shall be brought or commenced against any person or persons for any thing done or to be done in pursuance of this Act, or in the execution of the powers and authorities or of the orders and directions hereinbefore given or granted, every such action or suit shall be brought or commenced within six calendar months next after the fact committed, or in the case there shall be a continuation of damage, then within six calendar months next after the doing or committing such damage shall cease, and not afterwards; and the Defendant or Defendants in such action or suit, shall and may plead the general issue, and give this Act and the special matter in evidence at any trial to be held thereupon, and that the same was done in pursuance and by the authority of this Act; and if it shall appear to have been so done, or if any action or suit shall be brought after the time so limited for bringing the same, or if the Plaintiff or Plaintiffs shall be non-suited, or discontinue his, her or their action or suit, after the Defendant or Defendants shall have appeared, or if judgment shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall have full costs, and shall have such remedy for the same as any Defendant or Defendants hath or have for costs of suit in other cases by law.

General issue.

Costs to De-
fendant if
Plaintiff fail.

Any contra-
vention of
this Act not
otherwise
punishable to
be a misde-
meanor.

XLVIII. And be it enacted, That any contravention of this Act by the said Company or any other party, for which no punishment or penalty is herein provided, shall be a misdemeanor, and shall be punished accordingly, but such punishment shall not exempt the said Company (if they be the offending party) from the forfeiture of this Act, and the privileges hereby conferred on them, if, by the provisions thereof, or by law, the same be forfeited by such contravention.

Her Majesty
may assume
the Rail-way
on certain
conditions.

XLIX. And be it enacted, That Her Majesty, Her Heirs and Successors, may at any time before or after the said Rail-road is completed, assume the possession and property thereof, and of all the property which the said Company is hereby empowered to hold, and shall then have all the right, privileges and advantages vested by this Act in the said Company, (all which after such assumption shall be vested in Her Majesty, Her Heirs and Successors) on giving to the said Company three months notice of the intention to assume the same, and on paying to the said Company, within three months of the expiration of such notice, the whole amount of their Capital Stock then paid up and expended, with interest at ten per centum on the paid up capital, from the time of the paying up of the same until the time of the opening of the said Rail-way.

Company an-
nually to sub-
mit to the Le-
gislation de-
tailed account.

L. And be it enacted, That the said Company shall annually submit to the three branches of the Legislature, within the first fifteen days after the opening of each Session of the Provincial Parliament, after the opening of the said Rail-road or any part thereof to the public, a detailed and particular account, attested upon oath, of the moneys by them received and expended, under and by virtue of this Act, with a classified statement of the amount of tonnage and of passengers that have been conveyed along the said Rail-road, and no further provisions which the Legislature may hereafter make with regard to the form or details of such account, or the mode of attesting or rendering

rendering the same, shall be deemed an infringement of the privileges hereby granted to the Company.

LI. And be it enacted, That nothing herein contained shall be construed to exempt the Rail-road by this Act authorized to be made, from the provisions of any General Act relating to Rail-ways which may be passed during the present or any future Session of Parliament.

Company not to be exempt from the operation of any general Rail-way Act.

LII. And be it enacted, That nothing herein contained shall affect or be construed to affect in any manner or way whatsoever, the rights of Her Majesty, Her Heirs and Successors, or of any person or persons, or of any bodies politic, corporate or collegiate, such only excepted as are herein mentioned.

Saving of Her Majesty's rights and those of all other persons.

LIII. And be it enacted, That the Survey, Map and Book of Reference hereinbefore mentioned, shall be made, and the said Map and Book of Reference shall be deposited within three years from the passing of this Act, and the said Rail-road hereby authorized shall be completed within ten years from the passing of this Act, or else, every matter and thing herein contained shall be and become absolutely null and void, as to so much of the said line of Rail-road as shall not then be completed.

Rail-road to be completed within ten years.

Penalty.

LIV. And be it enacted, That this Act shall be deemed and taken to be a Public Act, and as such shall be judicially taken notice of by all Judges, Justices of the Peace and others, without being specially pleaded.

Public Act.

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