

the Directors now by Law authorized to be elected, but such Municipal Corporation being represented by an Officer *ex officio*, shall not be entitled to vote at any election of Directors in respect to the Stock subscribed for or held by such Municipal Corporation, but at all other Meetings of the said Company the said Mayor, Warden, Reeve, or person so appointed as aforesaid, shall be entitled to vote in like manner and to the same extent as any other Director of the said Company; any law or usage to the contrary thereof notwithstanding.

Company may hold certain Real Estate.

IX. And be it enacted, That in addition to the Real Estate which the said Rail-road Company is now by Law authorized to hold, it shall also be entitled to have and hold all such Real Estate as may be necessary for Wharves, Docks, Warehouses, Engine Houses and Workshops, at the terminus on the Niagara River and Lakes Erie and Ontario, and at the River Welland.

Inconsistent enactments repealed.

X. And be it enacted, That all enactments in the original Charter of the said Company, and all Acts or laws inconsistent with the provisions of this Act, shall be and the same are hereby repealed, but in so far only as the same apply or may be held to apply to any thing provided for in this Act.

Effect of Sales of the Road or Stock.

XI. And be it enacted, That any Sale or Sales of the Rail-road or the Stock therein heretofore or hereafter *bonâ fide* made, to satisfy any *bonâ fide* debt or debts due by the said Company, shall vest the ownership thereof in the *bonâ fide* purchaser or purchasers thereof, together with all and singular the property, privileges and appurtenances thereunto belonging; Provided that any such Sale or Sales made or to be made, shall not be held to extinguish any legal debt or debts due and owing by the said Company, but the rights of all Creditors of the said Company shall be and are hereby declared to be preserved to them, to the same extent and in like manner as they existed prior to the passing of this Act.

Proviso.

Craft may use Company's wharves, paying the Tolls.

XII. And be it enacted, That all or any Steamboat or Steamboats, Schooner or Schooners and all other Craft shall have full liberty to touch at, moor to and use the wharves and docks of the said Company, at all reasonable times, upon payment of the usual rates or charges fixed or to be fixed by the said Company therefor.

C A P. L I.

An Act to amend the Act incorporating the *Ontario, Simcoe and Huron Rail-road Union Company.*

[10th November, 1852.]

Preamble.

WHEREAS it is desirable to amend the Act passed in the twelfth year of Her present Majesty's Reign, intituled, 12 Vic. c. 196. *An Act to incorporate the Toronto, Simcoe, and Lake Huron Union*

Union Railroad Company: 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, and intitled, *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 so much of the said Act as relates to the raising of funds for the construction of the Railroad therein mentioned by means of allotments by chance or distribution of prizes, shall be and the same is hereby repealed. Lottery clauses repealed.

II. And be it enacted, That the Directors of the said Company shall and they are hereby required, within two weeks after the passing of this Act, to call a meeting of the Shareholders of the said Company, at the City of Toronto, to be held within five weeks after the passing of this Act, for the purpose of electing Directors, and they shall cause notice of the time, place and object of such meeting to be published in at least two newspapers published in the said City, fourteen days previous to the holding the same; and at such meeting the Shareholders assembled, with such proxies as shall then be present, shall choose eleven persons, being each a proprietor of not less than twenty shares, to be Directors of the said Company; and that this clause shall stand in the place of the twenty-fifth clause of the said Act, which said twenty-fifth clause is hereby repealed. Meeting to be called for the election of Directors. Sect. 25 repealed.

III. And be it enacted, That the Directors so elected, or those appointed or elected in their stead in case of vacancy, as in the said Act of Incorporation is provided for, shall remain in office until the first Monday in the month of June following after their election or appointment, and that 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 Proprietors of the said Company shall be held at the Office of the Company for the time being, to choose Directors in the room of the preceding Directors who shall then go out of office: Directors' term of office. Provided always, that the retiring Directors who shall be duly qualified shall be eligible to be re-elected from time to time. Proviso.

IV. And be it enacted, That the number of votes which each proprietor of shares in the said Company shall be entitled to give on any occasion, when he shall be legally authorized to vote, shall be as follows: that is to say, one vote for every share not exceeding one hundred; a further vote for every additional five shares over one hundred shares, up to five hundred shares; and a further vote for every additional ten shares over five hundred: Provided that no proprietor or corporation shall be entitled to give a greater number of Proportion of votes to shares. Proviso. votes

Proviso.

votes than five hundred; and provided, further, that nothing herein contained shall be held to prevent the City of Toronto and the County of Simcoe having each a Director in the said Company, under the provisions of the Act passed in the Session held in the thirteenth and fourteenth years of Her Majesty's Reign, and chaptered eighty-one: Provided always, that if any of the original Shareholders in the Company, excepting always Messrs. Storey & Co., the Contractors for the said Road, the City of Toronto and the County of Simcoe, shall, within three months after the passing of this Act, apply for the repayment of any instalment paid in cash by them or any of them, to the said Company on the shares for which they have subscribed, the Directors of the Company shall on demand refund the amount so paid and the said shares shall thereafter be considered cancelled.

Proviso.

that if any of the original Shareholders in the Company, excepting always Messrs. Storey & Co., the Contractors for the said Road, the City of Toronto and the County of Simcoe, shall, within three months after the passing of this Act, apply for the repayment of any instalment paid in cash by them or any of them, to the said Company on the shares for which they have subscribed, the Directors of the Company shall on demand refund the amount so paid and the said shares shall thereafter be considered cancelled.

No vote until all calls are paid.

V. And be it enacted, That no Shareholder shall be entitled to vote on any occasion until all calls or instalments legally called in and due by him are paid.

Company may erect Cattle-guards instead of Gates.

VI. And be it enacted, That the said Company may, instead of erecting Gates on each side of the Rail-road, where it crosses the public highway, as required by the fourteenth Section of the Act first above cited, erect cattle guards at such road crossing as shall appear more conducive to the public safety and convenience; and provided always, that the Board of Rail-way Commissioners shall approve of the same.

Proviso.

and provided always, that the Board of Rail-way Commissioners shall approve of the same.

Recital.

VII. And whereas doubts have arisen as to whether the Directors named in the said first above cited Act and their successors had or have authority to contract for the construction of the said Rail-road, and generally to act in the premises, and it is desirable to set at rest such doubts; Be it therefore enacted, That each and any act, matter or thing heretofore done or to be done by such Directors and their successors, shall be held and taken to be valid to all intents and purposes, as if any such act, matter or thing were done by Directors duly qualified under the provisions of the twenty-fifth clause of the said Act, and provided such acts, matters and things, were within the power and authority of such Directors.

Things done by present Directors confirmed.

That each and any act, matter or thing heretofore done or to be done by such Directors and their successors, shall be held and taken to be valid to all intents and purposes, as if any such act, matter or thing were done by Directors duly qualified under the provisions of the twenty-fifth clause of the said Act, and provided such acts, matters and things, were within the power and authority of such Directors.

Recital.

VIII. And whereas it is expedient to construct at or near the terminus of the Rail-road on Lake Huron a Harbor for the convenience of the Public and facilitating the traffic of the Road; Be it enacted, That the said Company are hereby authorized and empowered to construct a Harbor at or near the northern terminus of the said Rail-road on Lake Huron, which shall be accessible to, and fit, safe and commodious for the reception of such description and burthen of vessels as commonly navigate Lake Huron, and also to erect and build up such needful moles, piers, breakwaters, wharves, buildings, erections and constructions whatsoever, as shall be necessary, useful and proper for the

Company empowered to construct a harbor at or near the terminus of their road on Lake Huron.

Be it enacted, That the said Company are hereby authorized and empowered to construct a Harbor at or near the northern terminus of the said Rail-road on Lake Huron, which shall be accessible to, and fit, safe and commodious for the reception of such description and burthen of vessels as commonly navigate Lake Huron, and also to erect and build up such needful moles, piers, breakwaters, wharves, buildings, erections and constructions whatsoever, as shall be necessary, useful and proper for the

the protection of such Harbor, and for the accommodation and convenience of vessels entering, lying, loading and unloading within the same, and to alter, amend, repair, enlarge, deepen and dredge the said Harbor from time to time as may be found expedient and necessary, and also a Dry Dock or Rail-way calculated for refitting and repairing all shipping at such Harbor.

IX. And be it enacted, That it shall and may be lawful for the Directors of the said Company from time to time to regulate, fix and establish the rates of wharfage, tolls, dues or duties payable by persons navigating or using rafts, vessels, boats, or other craft on Lake Huron, and who may from time to time partake of the benefits and advantages of the said Harbor, Wharves, Docks or Rail-way, or of the store-houses or other protections and erections for the safe keeping, repairing and refitting of all vessels, boats, crafts or rafts of any description, and of goods, wares and merchandize shipped or unloaded within the said Harbor, and to alter the said tolls, dues, duties and demands as they may deem proper and expedient; a copy of which tolls, rates and dues, shall be affixed up in not less than three places at or near to the said Harbor: Provided always, that such tolls, rates and dues shall be subject to the approval of the Governor of this Province.

Directors to fix tolls for the use of such harbor, &c.

Proviso.

X. And be it enacted, That if any person shall neglect or refuse to pay the rates, tolls, dues or demands aforesaid, it shall and may be lawful for the said Company or their Officer, Clerk or Servant duly appointed, to seize or detain the goods, vessels or boats on which the same shall be due and payable, until such tolls shall be paid, and if the same shall remain unpaid for the space of thirty days next after such seizure, the said Company, or their Officer, Clerk or Servant as aforesaid, may sell or dispose of the said goods, vessels or boats, or such part thereof as may be necessary to pay the said rates, tolls, dues and demands, by public auction, giving ten days' notice thereof, and return the surplus, if any, to the owner or owners thereof.

Goods on which tolls shall be unpaid may be detained and sold.

XI. And be it enacted, That all ships and vessels owned by or belonging to or in the use of Her Majesty or the Provincial Government, shall from time to time have free access and privilege of occupancy and sheltering under and using the privileges, safeties and advantages of the said Harbor, Wharves, Dry Dock or Rail-way, free of all tolls or duties whatsoever.

Public vessels not to pay tolls.

XII. And whereas the Municipal Council of the County of Simcoe, by a By-law made in the month of January, one thousand eight hundred and fifty-one, under the provisions of the said Act passed in the Session held in the thirteenth and fourteenth years of Her Majesty's Reign, and intituled, *A By-law to provide for taking Stock in the Ontario, Simcoe and Huron Rail-road Company,*

County of Simcoe By-law taking £50,000 Stock in Company declared legal.

Company, in the sum of fifty thousand pounds, issuing debentures for that amount, and securing payment of the same, agreed to take Stock in the said Company to the amount of fifty thousand pounds, and authorized the Warden of the said County forthwith thereafter to take and subscribe for such Stock on behalf and in the name of the said Council, and for payment thereof, to issue debentures payable in twenty years for such amount; And whereas in pursuance of such By-law, the said Warden did take and duly subscribe for the said fifty thousand pounds of Stock in the books of the Company, and did issue debentures to the said amount, and in compliance with the terms of the said By-law issued from time to time to the said Company, the said fifty thousand pounds of debentures; And whereas doubts exist as to the form of the said By-law, and it is desirable to set at rest such doubts: Be it enacted, That the said By-law shall not be liable to be quashed or annulled for any want of form or otherwise, but the same shall be held and taken to be a good and valid By-law to all intents and purposes whatsoever.

Part of Act cited, repealed.

XIII. And be it enacted, That so much of the Act cited in the preamble of this Act, as shall be found to be inconsistent with the provisions of this Act, shall be and is hereby repealed.

C A P . L I I .

An Act to amend the Act incorporating *The Bytown and Prescott Rail-way Company*.

[10th November, 1852.]

WHEREAS it is necessary and expedient to amend the Act passed in the Session held in the thirteenth and fourteenth years of Her Majesty's Reign, and intituled, *An Act for the Incorporation of a Company to construct a Rail-road between Bytown and Prescott*: 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, and 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 the sixth Section of the said first recited Act, be and the same is hereby repealed.

Sect. 6th of Act 13 & 14 Vic., c. 132, repealed.

Bridges carrying Rail-way over or across any highway to be 20 feet wide and 12 feet high.

II. And be it enacted, That the space of the arch of any bridge erected for carrying the Bytown and Prescott Rail-way over or across any highway, shall at all times be and be continued of the open and clear breadth and space under such arch of not less than twenty feet, and of a height from the surface of such highway to the centre of such arch, of not less than twelve feet, and the descent under any such bridge shall not exceed one foot in twenty feet.

III.