

construct their said Railway over, upon, across and along the said Esplanade when so completed, on being required so to do by the said City of Toronto, and on payment by the said City of all expenditure and damages incurred by the said Railway Company, in the construction of the necessary works to complete the connection of their said sections of their Railway east and west of the said City by such routes as the said Grand Trunk Railway Company of Canada may select under the authority of this Act; And provided also, that if the Corporation of the said City and the Grand Trunk Railway Company of Canada cannot agree upon the location of the said line of Railway as authorized by this Act through any street or streets of the said City or the compensation therefor, if any, then the Board of Railway Commissioners shall, upon receipt of written notice thereof from either the said Company or the said City, have full power and authority to decide upon the said location, and to determine the amount of remuneration, if any, to be paid to the said Corporation by the said Company, and such decision shall be final and binding upon both parties.

Proviso :
Board of Rail-
way Commis-
sioners to de-
cide certain
matters if the
Company and
the Corpora-
tion disagree.

II. And be it enacted, that it shall and may be lawful for the said Company to make any contract or contracts with the said City of Toronto for the construction of the said Esplanade according to such plan and upon such terms as may be agreed upon between them, any thing in any former statute to the contrary notwithstanding; and the said City shall have full power and authority on such contracts being made, to pass any By-law or By-laws for raising any money or issuing any Debentures that may be necessary for the construction of the said Esplanade under any such contract, and for the payment of any moneys for any arrangement or arbitration with any water lot owner or lessee, and the said Company shall also have power and authority to make such arrangement or proceed to such arbitration, if they shall deem it advisable to do so, and any such arbitration as herein mentioned shall be in accordance with the provisions made for arbitrations, under the provisions of the Acts relating to the said Company.

Company may
contract to
make the said
Esplanade.

Corporation:
empowered to
raise the sums
required for
purposes con-
nected with
the Esplanade.

Company, as
contractors,
may go to ar-
bitration with
owners of
water lots:

III. This Act shall be a Public Act.

Public Act.

C A P . C L X X V I .

An Act to enable the Great Western Railway Company to construct a Branch Railway to the Town of Brantford, and for other purposes therein mentioned.

[Assented to 19th May, 1855.]

WHEREAS the Great Western Railway Company have petitioned the Legislature for authority to construct a Branch Railway from their main line to the Town of Brantford, and also to increase their capital stock, and to have certain

Preamble.

certain amendments made to their charter: 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, as follows:

The Company may make a Branch Railway to Brantford, to which all the provisions of their Charter, &c., shall extend.

I. The Great Western Railway Company shall have full power, and they are hereby authorized to make and construct, and to work and use, a Branch Railway from such point on the main line of the Great Western Railway to the said Town of Brantford as they shall find most suitable; and all the privileges, powers, rights and incidents vested in or appertaining to the said Company with regard to the Great Western Railway, and all the duties and obligations imposed upon them with regard to the same by the Act incorporating the said Company, and the Acts amending the same, and all the provisions of the said Acts and of this Act, which are susceptible of such extension, shall extend and apply to, and be in force, with regard to such Branch Railway, as fully and effectually as to the said Great Western Railway, to all intents and purposes, and the said Acts shall be construed, extend to, and have effect, as if the said Branch Railway had been mentioned and described in the said Act of Incorporation as part of the Railway and works which the said Company were thereby empowered to construct: Provided that such Branch shall not cross or connect with the Buffalo, Brantford and Goderich Railway without the consent of that Company.

Proviso.

Company may add £1,500,000 to their present Capital.

II. And whereas the present capital of the said Company is found inadequate to the completion of their line of road and its Branches with a double track, in an efficient and satisfactory manner: Be it therefore enacted, that the Great Western Railway Company are hereby authorized to increase their capital stock to the extent of One Million Five Hundred Thousand Pounds Currency, in addition to their present capital, by creating an additional number of shares, not exceeding Sixty Thousand of Twenty-five Pounds Currency each.

Recital.

May give the holders of new Shares a preferable claim

III. And whereas a great part of the said Railway and its Branches are now open for traffic, and yielding a revenue; and in order to protect the interests of the present Shareholders, it is desirable that the said new shares should be issued by and under the control of the Directors, and on such terms, as to premium and otherwise, as they shall consider just; Be it therefore enacted, That it shall be lawful for the Directors for the time being, and they are hereby authorized to issue and dispose of the said new shares, from time to time, at such times,
and

and in such quantities thereof at a time, and in such place and places, and at such price and prices, (as to premium or otherwise,) and in such manner and on such terms, (as to the time and mode of payment and otherwise,) as to them shall seem most advisable: and if the Directors shall think it expedient, such new shares, or any portion or portions of them may be issued with or under a guarantee, whereby the holders thereof shall be guaranteed and secured out of the General Revenues of the Company by way of preferred dividends, and in priority of the ordinary dividends of the Company, such rate of dividend, (not exceeding Seven Pounds per centum per annum on the amount paid up upon such new shares) as the Directors shall fix and determine upon in respect thereto, before or at the time of issuing such new shares, or any of them: but such preferred dividends shall nevertheless be subject and postponed to the payment of the Provincial Bonds issued or to be issued to, or in aid of, the said Company, and also the ordinary or non-convertible bonds, as well as the convertible bonds until they shall be converted into stock, made or to be made and issued by the said Company prior to the issuing of such new shares: and such preferred or guaranteed dividends shall be paid and payable half-yearly at the same time as herein provided for the payment of the ordinary dividends of the Company; Provided always, that the proprietors of any such new shares issued with or under such guarantee, shall not be entitled to vote either in the election of Directors, or at general meetings, or otherwise howsoever, or be entitled to any profit or dividend whether funded or divided beyond the rate so guaranteed, in respect of such new shares, so long as they shall be entitled to such preferred dividends thereon: and the proprietors of any such new shares, issued with or under such guarantee as aforesaid, may by writing under their respective hands, delivered at the office of the Secretary or Treasurer of the Company, on or before the thirty-first day of January, or the thirty-first of July, in any year, declare their wish or intention to waive such guarantee, and from and after the said thirty-first of January or thirty-first of July, whereon or next whereafter such writing shall be so delivered, such guarantee shall cease, and no preferred dividend shall be payable thereafter in respect to those of the said shares as to which such guarantee shall be waived as aforesaid; and thenceforward the proprietors of such shares shall be entitled to vote, and enjoy all the other privileges, benefits and advantages in respect thereto, which the other Shareholders in the Company are entitled to, in respect to the shares held by them respectively: Provided always, that before any of the said new shares shall be issued under or with a guaranteed dividend as aforesaid, the issuing thereof with such guarantee shall be first approved by three fifths at least of the votes of the Shareholders present or represented by proxy at a special general meeting to be called for that purpose; Provided also that the said Company shall not be entitled to any Government Aid or Guarantee upon or by reason of any expenditure

to dividends,
except as re-
gard Bonds,
&c.

Proviso:
Holders of
new Shares
having such
preference not
to vote.

Privilege may
be waived, and
how.

Proviso:
Issuing of pre-
ferred Shares
must be ap-
proved by
Stockholders.

Proviso:
No Govern-
ment aid to be
given.

expenditure under this Act, or to which the Company shall not have been legally entitled before the passing of this Act.

Sect. 5 of Act of U. C. 4 W. 4, c. 29, repealed.

To what days the half-yearly accounts of the Company shall be made up and dividends declared.

IV. The twentieth section of the Act passed in the late Parliament of Upper Canada, in the fourth year of the Reign of our late Sovereign King William the Fourth, intituled, *An Act to incorporate certain persons under the style and title of the London and Gore Railroad Company*, shall be, and the same is hereby repealed: and after the passing of this Act, it shall be the duty of the Directors of the said Company, to cause the accounts of the Company, shewing the true and exact state of its affairs, to be made up to the thirty-first of January, and the thirty-first of July in each year; and to call half-yearly general meetings, to be held within six weeks next after each of the said days respectively; at which last mentioned meetings, (of which twenty days' notice at the least shall be given in the *Canada Gazette*, and in some newspaper published in the City of Hamilton, and London in Canada) or at some adjournment thereof, it shall be the duty of the Directors to submit to the Shareholders then present, an exact and particular statement of the affairs of the said Company, and to propose and make a dividend of so much of the profits of the said Company as they shall think advisable, subject, nevertheless, to the approval of a majority of the Shareholders then either present personally, or represented by proxy, who shall have the power to decide whether such dividend, or any and what amount of dividend, shall be paid: and the transfer books of the Company shall be closed for the space of fourteen days next preceding each of the said half-yearly meetings, and for a like period before every special general meeting of the Company.

Company may buy their own Stock held by Municipalities and hold it or sell it.

V. It shall be lawful for the Great Western Railway Company to buy up from the several Municipalities holding stock in the said Company, or any of them, the stock so held by them, upon such terms and at such prices as may be agreed upon by and between such Municipalities respectively, and the Directors of the said Company; and thereafter the said Company may either continue to hold such stock for the joint benefit of the Shareholders, or may at any time again re-issue and dispose of the same, or any part thereof, in such manner, and on such terms and conditions as to premium, guaranteed dividends thereon or otherwise, as mentioned and described in the third section of this Act, in respect to the shares therein mentioned, or on such other terms as the Directors for the time being shall think most advantageous to the Shareholders.

Recital.

VI. And whereas by the death or insolvency of proprietors of shares or by the marriage of female proprietors of shares in the said Company, or other causes, it may be difficult to ascertain to whom such shares, or the dividends becoming due thereon may belong: Be it therefore enacted, that when any

one shall claim that any share or dividend hath become transmitted in consequence of the death, bankruptcy or insolvency of any shareholder, or the marriage of any female shareholder, or by any means other than the ordinary transfer between seller and purchaser, such transmission shall be authenticated by a declaration in writing as hereinafter mentioned, or in such other manner as the Directors shall require; and every such declaration shall state the manner in which, and the party to whom such share or dividend shall have been so transmitted, and shall be made and signed by some credible person before some Mayor, Judge, Justice of the Peace, or Master, or Master extraordinary in the Court of Chancery, whose certificate (to the effect that such declaration was made and signed in his presence by the party named therein, and that such party was personally known to him, or that satisfactory evidence of the identity of such party had been given to him,) shall be endorsed on or attached to such declaration, and such declaration and certificate shall be left with the Secretary or other Officer of the Company having the charge of such documents; and if such transmission be by virtue of the marriage of a female shareholder, such declaration shall be accompanied by a copy of the register of such marriage, or a certificate of the clergyman or other functionary celebrating the same, (to be also left with such declaration) to the effect that such marriage was duly celebrated according to the laws of the place where it was so celebrated, and stating where and the time when it was so celebrated; and if such transmission shall have taken place by means of the bankruptcy or insolvency of a shareholder, such declaration shall be accompanied with a certificate of the Clerk of the proper Court of bankruptcy or insolvency, (to be also left with such declaration) that the shareholder hath been duly adjudged bankrupt or insolvent, and that the party or parties claiming such share or dividend by means thereof, is or are the legal assignee or assignees of such bankrupt or insolvent shareholder; and if such transmission shall have taken place by virtue of any testamentary instrument, or by intestacy, the probate of the will, or a true copy thereof, or an official extract therefrom, or the letters of administration or a copy thereof, as the case may be, shall also be produced and left with such declaration; and thereupon the proper registries and entries shall be made in the books of the Company, shewing the party or parties entitled under such transmission to be the legal proprietor of such share; and until such entries shall be so made in the said books, no party claiming by means of such transmission as aforesaid, shall be deemed, so far as the said Company may be concerned, a proprietor of such share, or entitled to any dividend, or to vote, or exercise any of the privileges of a proprietor in respect to such share; Provided always, and it is hereby expressly declared, that the said Company shall not be bound to regard, or see to the execution of any trust, whether expressed or constructive, to which any share or dividend of the Company shall be subject or liable; And

Company may require proof of the transmission of Shares otherwise than by regular transfer.

How such proof may be made.

Proviso.

Proviso.

provided

provided also, that nothing herein contained, shall be construed to prevent the said Directors, from making any such lawful rules and By-laws from time to time, as to them shall seem proper, touching the management, transfer and disposition of the stock of the said Company.

Recital.

VII. And whereas a portion of the Directors of the said Company usually reside beyond the limits of this Province, and others at a considerable distance from the City of Hamilton, whereby much inconvenience is occasionally experienced in procuring the attendance of a majority of the Directors at the ordinary meetings of the Board; for remedy thereof, Be it enacted, that at all the meetings of the Directors of the said Company after the passing of this Act, five of the Directors, and not less, shall be a lawful quorum for the transaction of business, provided that four at least of the Directors present at any such meeting shall have been elected by the shareholders; and any majority of such quorum shall be competent to exercise all and any of the powers vested in the Directors of the said Company; and at any meetings of the Directors of said Company, any of the said Directors, who, at the time shall reside beyond the limits of this Province, may vote by proxy, such proxies being themselves Directors, and appointed in the following form or to the like effect:

Five Directors to be a quorum.

Majority to decide.

Directors may vote by proxies, being themselves Directors.

Form of proxy.

“ I appoint _____ of _____, Esquire, one of the Directors of the Great Western Railway Company, to be my Proxy as a Director of the said Company, and as such Proxy to vote for me at all meetings of the Directors of the said Company, and generally to do all that I could myself do as such Director if personally present at such meeting.”

Signature.

A. B.

Proviso.

But no Director shall act as Proxy for more than two other Directors.

Recital.

VIII. And whereas cattle and other animals frequently enter at the level crossings, and remain on the track of the said Railway, whereby the lives and property of travellers and others are in great danger: Be it therefore enacted, that it shall be lawful for the said Company, to make, build and construct, at any or all the level crossings of the said Railway, and of any other Railway which the said Company shall acquire, lease, work or control, (whether such crossings be at the intersection of any public highway with such Railway, or at private crossings or other places,) good and sufficient bridges over, and ways or passages underneath such Railway, of reasonable and sufficient dimensions, with convenient and sufficient approaches thereto; and to maintain and keep the same in repair; and at such places, so to narrow or contract such highway or other way, by fences or other means, as to confine persons and animals crossing such Railway to the bridge or way so to be made over

Company may make passages over or under their Railway for certain purposes.

over

over or underneath the same: Provided nevertheless, that nothing herein contained shall be construed to render the said Company liable for injuries to persons or their property, for which they would not have been liable if this Act had not been passed.

Proviso.

IX. If any one shall at any time unlawfully and wilfully break down, injure, weaken or destroy any gate, fence, erection or structure of the said Company, or remove, obliterate, deface, or destroy, any printed or written notice, order, by-law, or regulation of the said Company, or any section of, or extract from, this or any other Act of Parliament, which the said Company, or any of its officers or agents shall have caused to be posted, attached, or affixed, to or upon any fence, post, gate, or erection of the said Company; or if any one shall unlawfully enter upon, or walk or remain upon, the track of any such Railway, whereby either his own safety, or the safety of travellers in the cars of the said Company might be endangered, in case the said cars should then happen to approach or pass, such person so offending shall in addition to any other punishment, forfeiture, penalty, or proceeding to which he would have been liable if this Act had not been passed, forfeit and pay to the uses of the said Company, to be recovered by summary conviction before any Justice of the Peace for the County or territorial division where such offence was committed, or where such offender may at any time be found, such sum, not exceeding twenty pounds, nor less than two pounds ten shillings, as such Justice in his discretion shall adjudge, together with the costs of prosecution, and in default of immediate payment, be liable to be imprisoned in the common goal of either of such Counties or territorial divisions, for such term, not exceeding three calendar months, or less than ten days, as such Justice shall award, unless such sum and costs with the costs of commitment be sooner paid.

Penalty on persons injuring the works or defacing Notices of the Company, or committing trespass on their property, &c.

Imprisonment in default of payment.

X. If any one shall wilfully obstruct or impede any officer or agent of the said Company in the execution of his duty upon any such Railway, or upon any of its stations or other works or premises connected therewith, or if any person shall wilfully trespass upon any such Railway, or any of its stations or other works, or premises connected therewith, every person so offending and all others aiding or assisting therein, shall be liable to the like forfeiture and penalty, and shall be liable and subject to be prosecuted, proceeded against and dealt with in the like manner as mentioned in the ninth section of this Act in regard to the offences therein specified, and moreover, every one so offending, and all others aiding or assisting therein, may either be seized and detained by any such officer or agent, until such offender can be conveniently taken before some Justice of the Peace to be convicted and dealt with in manner aforesaid, or may be forcibly removed from such Railway, station, works or premises, by such officer or agent, and the

Penalty on persons impeding officers &c., of the Company, or trespassing on works, &c.

Forcible removal of such persons.

Proviso.

person or persons so called to his assistance, he and they using no unnecessary violence in effecting such removal: Provided, nevertheless, that nothing in this Act contained shall be construed to hinder or disable the Directors of the said Company from making any by-law, rules or regulations touching the premises which they might lawfully have made if this Act had not been passed.

Penalty on persons causing cattle to be wrongfully on the works.

XI. If any one shall wrongfully cause any cattle or animals to pass over or through the fences of the said Railway, or of such other Railway as the said Company shall acquire, lease, work, or control, or to be or remain upon the track of such Railway, or between the said track and the fence on either side thereof, or shall knowingly suffer or permit the same to be done, every such person, and all others aiding and assisting therein, shall be liable to the like forfeiture and penalty, and shall be subject and liable to be prosecuted, proceeded against, and dealt with, in the like manner as mentioned in the ninth section of this Act, in regard to the offences therein specified: And moreover any cattle or animals at any time found so wrongfully on the track of such Railway, or between the said track and the fence on either side thereof, (unless they shall have strayed there by reason of the fence of the said Company not being a lawful fence according to the laws of the place,) shall be taken *prima facie* to have been wrongfully driven or placed there contrary to the provisions of this Act, so far as to justify their detention until the owners of them can be ascertained; and in such case it shall be lawful for any agent, officer or servant of the Company, and any others whom he shall call to his assistance, to take possession of such cattle or animals, and detain the same until he can ascertain who are the owner or owners thereof.

Such cattle may be taken.

Directors may establish tolls to be taken in steam vessels of the Company.

May make By laws for governing Servants of the Company, &c.

And impose fines.

XII. In addition to any powers already vested in the Directors of the said Company in this behalf, it shall be lawful for the said Directors by By-law or otherwise, to fix, establish and regulate from time to time, all tolls, charges and payments to be paid or payable to or for the uses of the said Company, whether the same be for conveying goods and passengers on such Railways as aforesaid, or in steam vessels running in connection therewith or otherwise; and to make and ordain such By-laws, rules and orders, as they shall think proper, touching the conduct and duties of the officers and servants of the Company, and for the working and managing of such Railways and the ordinary business connected therewith, and generally for and concerning the conduct and management of the affairs, property and business of the said Company, and from time to time to alter and repeal such By-laws, rules and orders, or any of them, and to make others: and to impose and inflict such reasonable fines and forfeitures upon all persons and parties offending against the same, as to them shall seem meet, not exceeding five pounds for any one offence,—and
such

such fines and forfeitures may either be recovered, levied, and collected in the name of the Company and for the benefit of the County, in any Court having jurisdiction in civil matters, or by summary proceeding before any Justice of the Peace for the County or territorial division where the offence against such By-law was committed, or where the offender may be found; and for recovering, levying and collecting such fines and forfeitures by summary proceeding as aforesaid, the offending party may be prosecuted, proceeded against, and dealt with, (as to imprisonment for non-payment and otherwise) in the like manner as provided in the ninth section of this Act in regard to the offences therein mentioned: which said By-laws, rules and orders, being reduced to writing, and signed by the President or Vice-President of the Company for the time being, shall be printed and published: and such of them as shall subject any party, not an officer or agent of the Company, to any fine or forfeiture, (so printed and published as aforesaid or painted on boards,) shall be hung up and fixed and continued on the front of, or other conspicuous place at, the principal station-houses of the Company, and shall from time to time be renewed as often as the same shall be obliterated or destroyed; and all such By-laws, rules and orders, (whether the same shall subject the officers, servants or agents of the Company only, or other persons to any fine or forfeiture) shall be binding upon, and observed by all parties, and shall be sufficient to justify all persons who shall act under the same, provided such By-laws, rules and orders shall not be contrary to the laws of this Province; And provided also, that any such By-law as shall subject any party not an officer, servant or agent of the Company to any fine or forfeiture, shall not have any force or effect, until the same shall be sanctioned by the Board of Railway Commissioners of this Province.

Recovery of such fines.

Publication of such By-laws.

On whom they shall be binding.

Proviso.

XIII. In all cases of prosecution for offences against any By-laws, rules or orders of the said Company, and in all other actions and proceedings in which the existence of such by-laws, rules or orders or any of them require to be shewn, the production of a written or printed paper purporting to be by-laws, rules or orders of the Company, authenticated by the certificate under the hand of the President or Vice-President, to the effect that they are by-laws, rules or orders of the Company, shall be sufficient *prima facie* evidence of the existence of such by-laws, rules or orders.

Proof of By-laws facilitated.

XIV. In all cases where any party shall be convicted of any offence against the provisions of this Act, or against any by-law, rule or order of the said Company, it shall be lawful for the Justice before whom such conviction shall be had, or any other Justice of the Peace for the same territorial division, if he shall think fit, instead of committing such offender to prison in the first instance, in default of immediate payment of the amount payable by such conviction, to cause the said amount

Fines may be levied by distress, under warrant of the Justice convicting.

to be levied by distress and sale of the goods and chattels of such offender, and to issue his warrant under his hand and seal for that purpose ; and if the Constable or Officers having the execution of such warrant, shall return that he could not find sufficient goods or chattels to levy the amount thereby required to be made, with the lawful costs, it shall be lawful for the said Justice to issue his warrant for the commitment of the offender to prison, and cause such offender to be imprisoned for the period, and according to the terms mentioned in the said conviction.

Offenders may be proceeded against either under this Act or 16 V. c.178.

XV. For any offence against the provisions of this Act, or against any of the said by-laws, rules or orders, punishable by summary conviction, it shall be lawful to proceed against the offender, either in the manner provided by this Act, or according to the provisions of the Act passed in the sixteenth year of Her Majesty's Reign, intituled, *An Act to facilitate the performance of the duties of Justices of the Peace, out of Sessions, in Upper Canada, with respect to summary convictions and orders*, in regard to the acts and offences therein mentioned ; and it shall be lawful to use, pursue and adopt any or all of the forms, directions, modes of procedure, remedies and proceedings (as well in regard to witnesses and parties as others,) mentioned or provided in the last mentioned Act, in all complaints, prosecutions, convictions, levies and proceedings for offences against this Act or any of the said by-laws, rules and orders.

Conviction to be subject to appeal under 13 & 14 V. c. 54.

XVI. In all cases of complaint by way of summary proceeding before a Justice of the Peace, against any person for a violation of any of the provisions of this Act, or of any By-law, rule or order of the said Company, all decisions, convictions and orders made by any Justice of the Peace, shall be subject to an appeal in the manner, and subject to the provisions prescribed in the Act of the Parliament of this Province, passed in the Session held in the thirteenth and fourteenth years of Her Majesty's Reign, intituled, *An Act to extend the right of appeal in certain cases in Upper Canada*.

False statements as to transmission of Shares, &c. to be a misdemeanor.

XVII. If any person shall knowingly make any false statement in any declaration in writing in regard to the transmission of shares, required by the sixth section of this Act, with intent to deceive or defraud the said Company, or any person or party owning or interested in any share or dividend of the said Company, the person so offending shall be guilty of a misdemeanor and be liable to be indicted and punished as for a misdemeanor.

Annual elections of Directors, when to be held, &c.

XVIII. The annual election of Directors of the said Company shall hereafter take place at the general half yearly meeting of the shareholders which shall be held next after the thirty-first day of July in each year, or at some adjournment thereof ; and the present Directors of the said Company shall continue to be

Directors

Directors and hold office, until an election of Directors shall take place under this Act, at the half yearly meeting next after the thirty-first day of July next, or at some adjournment thereof; and at the same meeting at which the yearly election of Directors shall take place, or at some adjournment thereof, the shareholders shall also elect annually, in the same manner as provided for the election of Directors, two Auditors (being themselves also shareholders;) and the Auditors shall have free access to the books and vouchers of the Company, and may employ such accountants and other persons at the expense of the Company as they shall think proper, and shall examine the accounts of the Company, and confirm the same, or make such report upon them, as they shall think right: Provided always that no shareholder, being in default in respect to calls made upon any shares held by him or her being in arrear and unpaid, shall be entitled to vote upon or in respect to such shares at any meeting of shareholders.

Auditors to be elected at the same time.

Their powers and duties.

Proviso.

XIX. Besides the ordinary half-yearly meetings of the said Company, the Directors may call special general meetings of the Shareholders whenever and so often as the interests of the Company shall in their opinion require it, on giving at least twenty-one days' notice in the Official Gazette of Canada, and in some newspaper published in the City of Hamilton, and in at least three daily papers published in London in England, specifying in such notice the time and place of such meeting, and the particular subject or business to be considered or transacted thereat; Provided always, that no business, other than that for which such meeting shall have been called, and which shall have been specified or mentioned in such notice calling the same, shall be considered or transacted at such meeting.

Special General Meetings, how to be called.

Notice.

Proviso.

XX. And whereas it is necessary that the said Company should possess gravel pits, and lands containing deposits of gravel, at convenient places along their line of way, for supplying ballast and keeping the said Railway and its branches in sufficient repair, and such gravel pits or deposits cannot at all times be procured without buying the whole lot of land wherein such gravel or deposits may be found, and doubts may be entertained to what extent the said Company may lawfully acquire and hold lands for such purpose: Be it therefore enacted and declared, that it has been, and shall be lawful for the said Company to purchase, take and hold at convenient places along the line of their road and its branches, and along the line of any Railway which the said Company may acquire, lease, work or control, such lot and lots of land containing or believed to contain, gravel beds, or deposits of gravel, as the Directors shall think advisable or necessary for the purposes aforesaid, and also the right of way to the same, and again to sell and dispose of such lands or any part thereof.

Recital.

Company may take lands for gravel pits;

And right of way to them.

Recital.

XXI. And whereas the said Company have contracted for the building of certain steam-vessels to ply on Lake Ontario, and on the River Detroit, to run in connection with the said Railway, under the belief that they had a lawful right to build, own and work such vessels; And whereas doubts have arisen whether they have sufficient authority in law in that behalf, and it is desirable that such right should be fully confirmed to the said Company in common with certain other Railway Companies: Be it therefore enacted and declared, that the said Company have had, and shall have, power and authority to build, and complete, and sell and dispose of, or work and control and keep in repair, the said vessels, and one or more other vessels from time to time if considered necessary, with their furniture, rigging and equipments, to run in connection with the said Railway or such other Railway as the said Company may acquire, work, lease or control.

Company may acquire and hold vessels for certain purposes.

Recital.

XXII. And whereas it may be considered more expedient for the Company to raise the whole or a portion of the money they may require upon their own bonds, instead of the issuing the said new shares, or the whole of them: Be it therefore enacted, that it shall be lawful for the said Company to issue and dispose of the Bonds of the said Company from time to time for the purpose aforesaid, at such rate of premium or discount or otherwise as may be agreed upon in that behalf, and that all bonds and any agreements for payment of money only, already issued or hereafter to be issued by the said Company, shall be transferable by delivery or endorsement in like manner as Promissory Notes.

Company may sell their Bonds at a premium or discount.

Company not bound to carry certain dangerous articles.

XXIII. No person shall be entitled to carry or to require the said Company to carry upon the said Railway or any other such Railway as aforesaid, any aquafortis, oil of vitriol, gunpowder, lucifer matches, or other goods of a dangerous nature; and if any one shall knowingly send by any such Railway any such goods without plainly marking their nature on the outside of the package containing the same, or otherwise giving notice in writing to the Clerk or other servant of the Company, with whom the same are left at the time of so sending, he shall forfeit to the Company, twenty pounds for every such offence, to be recovered, levied and collected in the like manner as in this Act provided for levying and collecting fines and forfeitures incurred under any By-law of the Company; and it shall be lawful for the Company, their Servants and Agents to refuse to take any parcel that may be suspected to contain goods of a dangerous nature, or require the same to be opened to ascertain the fact.

Recital of part of 16 V. c. 169.

XXIV. And whereas it is doubtful whether the sixth section of the Statute passed in the sixteenth year of Her Majesty's Reign, intitled, *An Act in addition to the general Railway Clauses Consolidation Act*, was intended to apply to the Great Western

Western Railway; And whereas the only draw-bridges on the line of the said Railway are so situated in regard to their proximity to Stations, and other circumstances, that it is not considered necessary that the said sixth section of the said Act should apply to the said Railway: Be it therefore enacted and declared, that the said sixth section of the said last mentioned Act was not intended to apply, nor shall the same apply or be in force in regard to the said Great Western Railway, in so far as respects to the Bridge over the Desjardins Canal, nor to any swing-bridge whilst the navigation is closed; any thing in the said Act contained to the contrary notwithstanding.

Sect. 6 of the said Act not to apply to the Company in certain cases.

XXV. And whereas the said Company have caused a permanent bridge to be erected for their road across the stream known as the twenty mile Creek in the Township of Louth, not considering the said stream at the place to be a navigable stream, and doubts have been raised as to their authority in law so to do; And whereas the Municipality of the said Township have petitioned Parliament to confirm the right on the part of the said Company to build and maintain such permanent bridge: Be it therefore enacted and declared, that the said Company were, and are fully authorized and empowered to build and erect such permanent bridge, and to maintain, rebuild, renew and keep in repair such permanent bridge in all time to come; But nevertheless it shall be the duty of the said Company in such case from time to time to indemnify all parties whose private rights shall hereafter be or may have been injured thereby (if any there be) for such actual damage (if any) as they shall have sustained by reason of the erection and maintenance of such permanent bridge to be recovered by action at law; And it shall also be in the option of the said Company at any time, if the Directors shall think fit, to construct, keep and maintain a draw or swing in such bridge, so as to admit the free passage up and down the said stream of such vessels and craft as may have been accustomed to navigate the same, and thenceforward, and so long as the said Company shall keep up and maintain such draw or swing, they shall not be liable to any claim or demand for damages by reason of the erection and maintenance of such bridge across the said stream.

Recital.

Company's bridge over 20 Mile Creek declared legal.

Proviso: Actual damages to be paid.

Directors may make swing-bridge.

XXVI. All actions and suits to be brought for any thing done under or in execution of this Act, shall be commenced within six calendar months after the act complained of was committed, and not afterwards; and the Defendants may plead the general issue, and give this Act and the special matter in evidence at the trial thereof; Provided nevertheless, that nothing herein contained shall be construed to repeal or affect the tenth section of the Act of the Parliament of this Province, passed in the sixteenth year of Her Majesty's Reign, intituled, *An Act to increase the Capital Stock of the Great Western Railroad Company, and to alter the name of the said Company.*

Limitation of suits for things done under this Act.

Proviso.

Sect. 10 of 16 V. c. 99, not affected.

Sect. 33 of 9
V. c. 81, to
apply to Com-
panies united
with this
Company.

Proviso as to
such union.

Inconsistent
enactments
repealed.

XXVII. The thirty-third section of the Act passed in the ninth year of Her Majesty's Reign, intituled, *An Act to alter and amend the Charter of the Great Western Railroad Company*, and the powers therein given to the said Company, shall also extend and apply to any other Company with which they may be desirous of effecting a union or junction; and that no union or junction to be formed under the authority of the said Act, shall become valid and effectual until it shall have been approved or sanctioned by at least three fifths of the votes of the Shareholders of the Great Western Railway Company present or represented by proxy at a Special Meeting to be called for that purpose; and any provision, matter, clause or thing contained in the Act incorporating the Great Western Railway Company, or in any other Act affecting the said Company, inconsistent with the provisions of this Act, shall be and the same is hereby repealed so far as affects the said Company.

Recital.

Company may
enter into
agreements for
certain pur-
poses with the
Galt and
Guelph Rail-
way Compa-
ny.

XXVIII. And whereas the said Great Western Railway Company and the Galt and Guelph Railway Company are desirous of entering into an arrangement for the working and leasing of the road, property and works of the said last named Company, and for assisting, (by advancing the iron or some part thereof or otherwise,) to build and complete the said road and works, making the amount of such advance or assistance a first charge upon the road, property and effects of the said last named Company: Be it therefore enacted, that it shall be lawful for the Directors for the time being of the said respective Companies, to make and enter into such agreement or agreements as they shall think advisable, (and from time to time to alter or vacate the same, and again to enter into other or different ones) as well for the working or using of the said road and works or any part thereof of the said Galt and Guelph Railway Company, (at their expense or otherwise,) by the said Great Western Railway Company, as also for the leasing to the last named Company, the road and works of the said Galt and Guelph Railway Company, either before or after working the same for any period as aforesaid, and for granting assistance by the said Great Western Railway Company (either by advancing or providing the iron or some part thereof or otherwise) to build or finish the road and works of the said Galt and Guelph Railway Company; and also for making the amount of such advance or assistance a first charge and encumbrance upon the road, property and effects of the said last named Company; or for any one or more of the purposes aforesaid, and such agreements shall be legal, binding and effectual, according to the true intent and meaning thereof.

Certain clauses
of this Act
may be
amended.

XXIX. The Legislature may at any time alter or repeal any of the clauses of this Act imposing forfeitures or penalties on parties for any offences specified in this Act.

Public Act.

XXX. This Act shall be deemed a Public Act.