

Proviso.

fifty feet long and thirty-three feet wide, and shall not have less than four feet and a half of water on the sills at low water, nor shall the said canal be less than thirty-three feet wide, nor have less depth of water than that in the lock; And further, provided always, that should the said Company not find it practicable to erect such dam more than four feet six inches high, at the above named place, they shall have the right and privilege of erecting another dam four feet high from low water, above the Village of L'Assomption, at some convenient place, with a lock and canal of the same dimensions as before stated.

Timber to pass free.

II. The said Company shall be bound at all times to leave a free outlet for the passage of wood and timber of every description which shall descend the said River, and for that purpose shall construct any slide which may be necessary to receive the said timber and enable it to pass without obstruction and free of toll.

Company liable for all damages done in carrying their powers into effect.

III. Provided always, that the said Company shall be liable for all damages which the construction of any such dam may cause to the lands, bridges, mills and properties of any individual whomsoever, and also for any other damage whatever resulting from such construction, which damages shall be ascertained and fixed by three arbitrators, one to be appointed by the Company, one by the party claiming compensation and the third by the two said Arbitrators so appointed by the said Company and party claiming compensation: Provided always that if either the Company or party so claiming compensation shall refuse or neglect to appoint an Arbitrator within one month after notice to that effect, then it shall be lawful for any Judge of the Superior or Circuit Court for Lower Canada to select an Arbitrator on behalf of the party so neglecting or refusing, and the two so then appointed shall select a third; and if the two Arbitrators appointed as aforesaid, either by the parties, or by one of them and by a Judge on behalf of the other, cannot agree as to the appointment of a third Arbitrator, it shall be lawful for any Judge of the Superior or Circuit Court for Lower Canada, on the Petition of either of the said Arbitrators and after due notice to the other, to appoint such third Arbitrator, and the decision of a majority of the three Arbitrators shall be final, subject, nevertheless, to the jurisdiction of the Courts of Law.

Proviso: as to appointment of Arbitrators in case of difference.

Public Act.

IV. This Act shall be deemed a Public Act.

C A P . X X V .

An Act to incorporate certain persons under the name and style of the "Canada North-West Railway Company."

[Assented to 16th May, 1856.]

Preamble.

WHEREAS the Municipalities of the City of Toronto, Saugeen, Elderslie, Brant, Carrick, Bruce, Arthur, Peel and

and Minto, have petitioned that an Act might be passed authorizing the construction of a Railway from the waters of Lake Huron, at or near the Town of Southampton in the County of Bruce, to the waters of Lake Ontario at Toronto, or to intersect some other line of Railway so as to form a Railway connexion betwixt the two first mentioned places ; And whereas a Railway so constructed would manifestly tend to open an extensive tract of fertile country and promote its general prosperity : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

I. The Honorable Wm. Cayley, M.P.P., and Alexander McNabb, County of Bruce ; George Jackson, M.P.P., W. K. Fletcher, County of Grey ; Wm. Clarke, M.P.P., Charles Allan, County of Wellington ; Honorable J. H. Cameron, M.P.P., John George Bowes, M.P.P., John Beverly Robinson, George Duggan, James Beaty, John Duggan, John Hutchinson, Marcus Rossin, John Harrington, W. F. Meudell and John Ewart, Jun., of the City of Toronto, Esquires, together with such other person or persons, Corporations and Municipalities as shall under the provisions of this Act become Shareholders in the Company hereby incorporated, shall be and are hereby ordained, constituted and declared to be a body corporate and politic by and under the name of the "Canada North-West Railway Company."

Certain persons incorporated.

Corporate name.

II. The several clauses of the Railway Clauses Consolidation Act with respect to the first, second, third and fourth clauses thereof, and also the several clauses of the said last mentioned Act with respect to "Interpretation," "Incorporation," "Powers," "Plans and Surveys," "Lands and their valuation," "Highways and Bridges," "Fences," "Tolls," "General Meetings," "Directors, their election and Duties," "Shares and their transfer," "Municipalities," "Shareholders," "Actions for indemnity, and fines and penalties and their prosecution," "Working of the Railway," and "General Provisions," shall be incorporated with this Act, and shall accordingly apply to the said Company and the said Railway, except only in so far as may be inconsistent with the express enactments hereof ; and the expression "this Act" when used herein shall be understood to include the provisions of the Railway Clauses Consolidation Act which are incorporated with this Act as aforesaid.

Certain clauses of 14 & 15 V. c. 51 incorporated with this Act.

III. The said Company and their servants and agents shall have full power under this Act to lay out, construct and complete a Railway connexion between Lake Huron, at or near the Town of Southampton in the County of Bruce, and Lake Ontario at Toronto, with full power to pass over any portion of the Counties of Wellington, Grey and Bruce, to intersect and unite with the Grand Trunk Railway at the Town of Guelph, as provided by the ninth section of the Railway Clauses Consolidation

Line of Railway defined.

Consolidation Act, and to construct a Fork or Branch to Owen Sound from any point north of Durham.

Form of deeds to the Company.

IV. Deeds and conveyances under this Act for the lands to be conveyed to the said Company for the purposes of this Act, shall and may as far as the title to the said lands or circumstances of the parties making such conveyance will admit, be made in the form given in the Schedule to this Act marked A, and all Registrars are hereby required to register in their Registry Books such deeds on the production thereof and proof of execution, without any memorial, and to minute every such entry on the Deed; the said Company are to pay the Registrar for so doing the sum of two shillings and six pence, and no more.

Registration.

Provisional Directors appointed.

V. From and after the passing of this Act the said Honorable William Cayley, M.P.P., and Alexander McNabb, County of Bruce; George Jackson, M.P.P., and W. K. Fletcher, County of Grey; Wm. Clarke, M.P.P., and Charles Allan, County of Wellington; Honorable J. H. Cameron, M.P.P., John George Bowes, M.P.P., John Beverly Robinson, George Duggan, James Beaty, John Duggan, John Hutchinson, Marcus Rossin, John Harrington, W. F. Mendell and John Ewart, Jun., of the City of Toronto, Esquires, shall be the Provisional Directors of the said Company for carrying into effect the object and purposes of this Act.

Vacancies among them, how filled.

VI. It shall and may be lawful for the Provisional Directors for the time being of the said Company, or a majority of them, to supply the place or places of any of their number from time to time dying or declining to act as such Provisional Director or Directors, out of the several subscribers for stock in their said Railway to the amount of at least two hundred and fifty pounds provincial currency each, during the period of their continuance in office, and such Provisional Directors, except as hereinafter is excepted, shall be and they are hereby invested with all the powers, rights, privileges and indemnities, and they shall be and they are hereby made subject unto the like restrictions, as the elected Directors of the said Company, upon their being elected by the Stockholders of the said Company as hereinafter provided, would under the provisions of the Railway Clauses Consolidation Act and of this Act, become invested with or subject unto respectively.

Their powers.

First general meeting.

VII. When and so soon as shares to an amount equivalent to four hundred thousand pounds provincial currency, in the capital stock of the said Company shall be taken, and ten pounds per centum thereon shall have been paid in, which amount shall have been paid into some Chartered Bank, and shall not be withdrawn or otherwise applied unless for the purposes of this Act, it shall and may be lawful for the Provisional Directors of the said Company for the time being, to call a meeting

And election of Directors.

meeting at the Town of Guelph of the subscribers for stock in the said Company, and who have paid ten per centum thereon as aforesaid, for the purpose of electing Directors of the said Company; Provided always, that if the said Provisional Directors shall neglect or omit to call such meeting, then the same may be called by any ten of the holders of shares in the said Company holding among them not less than an amount equivalent to five thousand pounds provincial currency; And provided always, that in either case public notice of the time and place of holding such meeting shall be given during one month in some one newspaper published in the Town of Guelph, and also in some one newspaper published in each of the counties through which the said Railway shall pass or be intended to pass, or in such of the said counties as shall have a newspaper published therein respectively; and at such General Meeting the Shareholders assembled, with such proxies as shall be present, shall choose eleven persons to be Directors of the said Company, being each a proprietor of shares in the said Company to an amount of not less than two hundred and fifty pounds provincial currency, and shall also proceed to pass such Rules, Regulations and By-laws, as shall seem to them fit, provided they be not inconsistent with this Act.

How called if Provisional Directors neglect to call it.

Notice in either case.

Number and qualification of Directors, &c.

VIII. The Directors so elected or those appointed in their stead in case of vacancy, shall remain in office until the first Wednesday in June, one thousand eight hundred and fifty-eight, and on the said first Wednesday in June and on the first Wednesday in June in each year thereafter, or such other day as shall be appointed by any By-law, an Annual General Meeting of the Shareholders shall be held at the office of the Company for the time being, to choose eleven Directors in the room of those whose period of office shall have expired, and generally to transact the business of the Company; but if at any time it should appear to any ten or more of such Shareholders holding together one thousand shares, at least, that a Special General Meeting of the Shareholders is necessary to be held, it shall be lawful for such ten or more of them to cause fifteen days' notice at least to be given thereof in such newspapers as are hereinbefore provided, or in such manner as the Company shall by any By-law direct or appoint, specifying in such notice the time and place and the reason and intention of such Special Meeting respectively, and the Shareholders are hereby authorized to meet pursuant to such notice and proceed to the execution of the powers by this Act given to them, with respect to the matter so specified only; and all such acts of the Shareholders, or the majority of them at such Special Meetings assembled, (such majority not having either as principals or proxies less than one thousand shares,) shall be as valid to all intents and purposes as if the same were done at Annual Meetings.

Term of office.

Annual general meetings.

Special general meetings.

Notice.

Power of such meetings.

Capital
£750,000.

Shares £5
each.

Proviso : for
increase of
Capital.

IX. For the purpose of making, constructing and maintaining the Railway and other works necessary for the proper use and enjoyment of the Railway by this Act authorized to be constructed, it shall and may be lawful for the Directors of the said Company for the time being to raise in such manner by loan, subscription of stock, issuing of shares or otherwise as to the Directors of the said Company for the time being shall from time to time seem fit, the sum of seven hundred and fifty thousand pounds provincial currency, such shares to be issued in sums of five pounds provincial currency each; Provided always, that the said capital sum may from time to time if necessary be increased in the manner provided for by those clauses of the Railway Clauses Consolidation Act, which in and by the second section of this Act are expressed to be incorporated with this Act.

Directors to
issue scrip,
bonds, &c.

X. It shall and may be lawful for the Directors of the said Company for the time being, to make, execute and deliver all such scrip and share certificates, and all such bonds, debentures, mortgages or other securities, as to the said Directors for the time being shall from time to time seem most expedient for raising the necessary capital for the time being authorized to be raised by the said Company, or for raising any part thereof.

Votes : one
for each share.

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

Assignment
of bonds, de-
bentures, &c.

XII. All bonds, debentures and other securities to be executed by the said Canada North-West Railway Company may be payable to bearer, and all such bonds, debentures or other securities of the said Company, and all dividends and interest warrants thereon respectively, which shall purport to be payable to bearer, shall be assignable at law by delivery, and may be sued on and enforced by the respective bearers and owners thereof for the time being, in their own names.

Quorum of
Directors.

XIII. Any meeting of the Directors of the said Company, at which not less than five of such Directors shall be present, shall be competent to exercise and use all and every of the powers hereby vested in the said Directors.

Calls.

Proviso :
Amount of
calls limited.

XIV. Calls may be made by the Directors of the said Company for the time being : Provided that no call to be made upon the subscribers for stock in the said Railway Company shall exceed the sum of ten pounds per centum upon the amount subscribed for by the respective Shareholders in the said Company, and that the amount of any such calls in any one year shall not exceed fifty pounds per centum upon the stock so subscribed : Provided also, that upon the occasion of any

Proviso : ten

any person or Corporation becoming a subscriber for stock in the said Company, it shall and may be lawful for the Provisional and other Directors of the said Company, for the time being, to demand and receive to and for the use of the said Company, the sum of ten pounds per centum upon the amount so, by such person or Corporation, respectively subscribed, and the amount of such calls as shall have already been made payable in respect of the stock then already subscribed, at the time of such person or Corporation respectively subscribing for stock.

per cent may be demanded on subscribing.

XV. And whereas it may be necessary for the said Company to possess gravel pits and lands containing deposits of gravel, as well as lands for stations and other purposes at convenient places along their line of Railway, for constructing and keeping in repair and for carrying on the business of the said Railway; And as such gravel pits or deposits cannot at all times be procured without buying the whole lot of land whereon such deposits may be found: It is therefor enacted, that it shall be lawful for the said Company, and they are hereby authorized, from time to time, to purchase, have, hold, take, receive, use and enjoy along the line of the said Railway or separated therefrom, and if separated therefrom then with the necessary right of way thereto, any lands, tenements and hereditaments which it shall please Her Majesty or any person or persons, or bodies politic, to give, grant, sell or convey unto, and to the use of or in trust for the said Company, their successors and assigns, and it shall and may be lawful for the said Company to establish stations or workshops on any of such lots or blocks of land, and from time to time, by deed of bargain and sale or otherwise, to grant, bargain, sell or convey any portions of such lands not necessary to be retained for gravel pits, sidings, branches, wood-yards, station grounds or work-shops or for effectually repairing, maintaining and using to the greatest advantage the said Railway and other works connected therewith.

Company enabled to hold land for gravel pits, stations, &c., beyond the extent limited by the general Act.

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

Period for commencing works, &c.

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

Enactments repealed.

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

Public Act.

SCHEDULE A.

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

may

