

Laws of Her Majesty's Province of United Canada, passed in the year 1851. Quebec: Stewart Derbyshire and George Desbarts, 1852.

16 Victoria – Chapter 102

An Act to incorporate The Hamilton and Port Dover Railway Company. Assented to 22nd April, 1853.

Whereas the construction of a Railway connecting the waters of Burlington Bay, at the City of Hamilton, with the waters of Lake Erie, at or near to Port Dover, must conduce greatly to the welfare of the inhabitants residing on the line of such Railway and in the surrounding country; And whereas Robert William Harris, of the City of Liverpool, Merchant, John Masterman, the younger, of the City of London, Banker, Samuel Laing, of the City of London, Member of the House of Commons, Peter Buchanan, of the City of Glasgow, Merchant, Isaac Buchanan, of the City of Hamilton, Merchant, Edmund Ritchie, of the same place, Esquire, Andrew Stuart, of the same place, Esquire, Hector Munro, of the same place, Esquire, W. P. McLaren, of the same place, Esquire, Sir Allan N. MacNab, of Dundurn, Banister, James Ritchie, of Simcoe, Merchant, and William M. Willson, of the same place, Esquire, have prayed to be incorporated with the powers requisite for making and maintaining such Railway: 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 said Robert William Harris, John Masterman, Samuel Laing, Peter Buchanan, Isaac Buchanan, Edmund Ritchie, Andrew Stuart, Hector Munro, W. P. McLaren, Sir Allan N. MacNab, James Ritchie, and William M. Willson, together with such person or persons, Corporations and Municipalities as shall, under the provisions of this Act, become Shareholders in such Company as is hereinafter mentioned, shall be and are hereby ordained, constituted and declared to be a body corporate and politic, in fact, by and under the name and style of *The Hamilton and Port Dover Railway-Company*.

II. And be it enacted. That 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 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 be included by the expression, "this Act," whenever used herein.

III. And be it enacted, That the said Company and their servants or agents, shall have full power under this Act, to lay out, construct, make and finish a double or single iron Railway or Road at

their own cost and charges, on and over any part of the Country lying between Port Dover and the City of Hamilton.

IV. And be it enacted, That deeds and conveyances under this Act, for lands to be conveyed to the said Company for the purposes of this Act, shall and may as far as the title to the said lands or the circumstances of the parties making such conveyances will admit, be made in the form given in the Schedule to this Act marked A; and all Registrars are hereby required to enter in their Registry Books such deeds, on the production thereof and proof of execution, without any memorial, and to minute every such entry on the deed; and the said Company are to pay to the said Registrar for so doing, the sum of Two Shillings and Six Pence, and no more.

V. And be it enacted, That the Capital Stock of the Company shall be Five Hundred Thousand Pounds currency, to be divided into twenty thousand shares of Twenty-Five Pounds each, which amount shall be raised by the persons or parties above named or some of them, together with such other persons and Corporations as may become Subscribers towards such Stock; and the said money so raised shall be applied, in the first place, towards the payment and discharge of all fees, expenses and disbursements for procuring the passing of this Act, and for making the surveys, plans and estimates of the said Road and connected with the said Railway.

VI. And be it enacted, That within one month after this Act shall: be passed, a General Meeting of the Shareholders shall be held at the City of Hamilton, for the purpose of putting this Act into effect, which meeting shall be called by any five of the persons named in this Act, ten days' public notice thereof being given by being published in the Newspapers of the said City of Hamilton, at which said General Meeting, the Shareholders present having paid five per cent, on their Stock subscribed, shall, either in person or by proxy, choose nine Directors in the manner and qualified as hereinafter mentioned, who, together with the ex-officio Directors as provided by the Railway Clauses Consolidation Act, shall hold office until the first Annual General Meeting for the election of Directors, and until others are elected in their stead.

VII. And be it enacted, That on the second Monday in June in each year, at the City of Hamilton, at the Office of the Company, there shall be chosen by the Shareholders nine Directors in the manner hereinafter directed; and public notice of such Annual Election shall be published one month before the day of election in any two Newspapers published in the City of Hamilton, and also once fifteen days before the election in one newspaper in each Town upon the Line of the said Road; and all elections for Directors shall be by ballot, and the persons who shall have the greatest number of votes at any election shall be Directors; and if it shall happen that two or more shall have an equal number of votes, the Shareholders shall determine the election by another or other votes until a choice is made; and if a vacancy shall at any time happen among the Directors by death, resignation, or removal from the Province, such vacancy shall be filled for the remainder of the year by a majority of the Directors; and that the said nine Directors with the said ex-officio Directors shall form a Board of Directors.

VIII. And be it enacted, That the number of Directors which shall form a *quorum* for the transaction of business may. be regulated by the By-laws of the Company, and until such By-laws

shall be passed, a majority of the Directors shall form such *quorum*; Provided, that the Directors may employ one of their number as a paid Director.

IX. And be it enacted, That the persons qualified to be elected Directors of the said Company, under this Act, shall be any Shareholder holding Stock to the amount of One Thousand Pounds, who shall have paid up all calls on such Stock.

X. And be it enacted, That no call of money from the Share-holders shall exceed ten per cent on their shares.

XI. And be it enacted, That each Shareholder in his own right shall be entitled to a number of votes equal to the number of Shares which he shall have in his name two weeks prior to the time of voting.

XII. And be it enacted, That the said Company shall have power to become parties to Promissory Notes and Bills of Exchange, for sums not less than Twenty-five pounds, and any such Promissory Note made or endorsed, and any such Bill of Exchange, drawn, accepted or endorsed by the President or Vice President of the Company, and countersigned by the Secretary and Treasurer, and under the authority of a majority of a *quorum* of the Directors, shall be binding upon the Company, and every such Promissory Note or Bill of Exchange made, drawn, accepted or endorsed by the President or Vice President of the said Company, and countersigned by the Secretary and Treasurer as such, either before or after the passing of this Act, shall be presumed to have been properly made, drawn, accepted or endorsed, as the case may be, for the Company, until the contrary be shewn; and in no case shall it be necessary to have the Seal of the Company affixed to any such Bill of Exchange or Promissory Note, nor shall the President, Vice President, or the Secretary and Treasurer of the Company so making, drawing, accepting or endorsing any such Promissory Note or Bill of Exchange, be thereby subjected individually to any liability whatever; Provided always, that nothing in this Section shall be construed to authorize the said Company to issue any Note payable to bearer, or any Promissory Note intended to be circulated as money, or as the Notes of a Bank.

XIII. And be it enacted, That the Gauge of the said Railway shall not be broader or narrower than five feet six inches.

XIV. And be it enacted, That this Act shall be a Public Act.

Schedule A.

Know all men by these presents, That I, _____ of _____ (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 be) by The Hamilton and Port Dover Railway Company, the receipt whereof is hereby acknowledged, grant, bargain, sell, convey and confirm unto the said Hamilton and Port Dover Railway Company, their successors and assigns forever, all that, certain parcel or tract of land situate (describe the land) the same having been

selected and laid out by the said Company for the purpose of their Railway, to have and hold the said land and premises, together with the hereditaments and appurtenances thereto to the said Hamilton and Port Dover Railway Company, their successors and assigns for ever; (if there be Dower to be released, add) "and I (name of wife) hereby release my Dower on the premises."

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

Signed, sealed and delivered
in presence of _____

A. B. [L. S.]

(And if the wife join) C. D. [L. S.]