

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

16 Victoria – Chapter 133

An Act to incorporate *The London and Port Stanley Railway Company*. Assented to 23rd May, 1853.

Whereas it is highly desirable that a Railway should be made from some point on the Great Western Railway at or near the Town of London, to Port Stanley, and the persons hereinafter mentioned have petitioned to be incorporated for that purpose: 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 M. Anderson, G. W. Boggs, W. D. Hale, G. R. Williams, Robt. Thomson, Wm. H. Higman, J. M. Batt, Boyce Thomson, Lawrence Lawrason, Lionel Ridout, S. S. Pomroy, E. Jones Parke, E. Leonard, Wm. Smith, S. Morrill, Freeman Talbot, Ellis W. Hyman, Thos. C. Dixon, Alexr. Anderson, Thos. Carling, Edwd. Adams, Samuel Peters, John K. Labatt, Wm. Barker, Daniel Harvey, Murdoch McKenzie, Crowell Willson and Cyremus D. Hail, together with such other person or persons as shall under the provisions of this Act become subscribers to or proprietors of any share or shares in the Railway hereby authorized to be made, and their several and respective heirs, executors, administrators, curators or assigns, being proprietors of any share or shares in the said Railway, shall be and are hereby united into a Company for constructing, maintaining and working the said Railway, according to the rates, orders and directions of this Act, and shall for that purpose be one body corporate and politic by the name and style of *The London and Port Stanley Railway Company*, 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 Railway, to be called *The London and Port Stanley Railway*, from such point on the Great Western Railway at or near the Town of London, as shall be found most convenient and advantageous for the intersection thereof, to Port Stanley on Lake Erie, the said line being first approved by the Governor in Council.

II. And be it enacted, That the Gauge of the said Railway shall be five feet six inches.

III. And be it enacted, That it shall be lawful for the said Company to raise and contribute among themselves, in such proportions as to them shall seem meet and convenient, a competent sum of money for making and completing the said Railway and all such other works, matters and conveniences as may be found necessary for making, effecting, preserving, improving, completing, maintaining and using the said Railway and other works; Provided always, that the parties hereinbefore named, or a majority of them, shall cause bodes of subscription to be opened in the Town of London, and Village of Port Stanley and elsewhere as they may from time to time appoint, until the first meeting of Shareholders hereinafter provided for, for receiving the

signatures of persons willing to become subscribers to the said undertaking; and for this purpose they shall give public notice in such newspapers as they or a majority of them think proper, of the time and place at which such books will be opened and ready for receiving signatures as aforesaid, and of the persons by them authorized to receive such subscriptions; and every person who shall write his or her signature in such book as a subscriber to the said undertaking shall thereby become a member of the said Company, and shall have the same rights and privileges as such, as are hereby conferred on the several persons who are herein mentioned by name as members of the said Company.

IV. And be it enacted, That the sum to be raised or subscribed shall constitute the Capital Stock of the said Company, and shall not exceed in the whole the sum of One Hundred and Fifty Thousand Pounds; and the money to be raised and subscribed is hereby directed and appointed to be laid out and applied in the first place, for paying and discharging all fees and disbursements for obtaining and passing this Act, and for making the plans, surveys and estimates incident thereto, and all the rest, residue and remainder of such money, for and towards making, completing and maintaining the said Railway and other the purposes of this Act, and to no other use, intent or purpose whatever.

V. And be it enacted, That the said Capital Stock of the said Company shall be divided into shares of Twenty-five Pounds currency each, and each holder of or subscriber for any share or shares shall have a part of all the profits of the said undertaking proportionate to the number of shares he shall hold or have subscribed for, and shall pay a part of the expenses incurred in carrying this Act into effect, proportionate to the number of shares he shall hold or have subscribed for.

VI. And be it enacted, That it shall and may be lawful for the Directors at any time to call upon the Shareholders for such sum or sums of money as they may require upon each and every share which the Shareholders may subscribe for, payable by such instalments and at such times, and in such proportion as the Directors of the said Company may see fit; Provided that no such instalment shall exceed ten per cent of the Capital Stock so subscribed; And provided also that no second or other instalment shall be called for within three months of the date of the next previous call.

VII. And be it enacted, That the first General Meeting of the subscribers to the said undertaking, shall be held at the Town of London, whenever twelve hundred shares in the Capital Stock of the said Company shall have been *bonâ fide* subscribed for, and ten per cent paid thereon as hereinafter provided, and at such meeting nine persons, being each a subscriber for at least six shares, who shall have paid ten per cent, thereon, shall be chosen Directors, five of whom shall form a quorum, to hold their office until the first Annual Meeting of the Shareholders, and due notice shall be given of the time and place of such first meeting, by the persons hereinbefore appointed, in the manner provided for with regard to the notice to be given by them touching the books of subscription.

VIII. And be it enacted, That the Annual Meetings of the Shareholders of the Company shall be held at the place and on the day in each year to be fixed by the By-laws of the said Company, by

which also the mode of calling Special Meetings of the Shareholders shall be fixed, and all other matters and things relative to the manner of conducting and managing the business and affairs of the said Company, for which no special provision is made by this Act; but no such By-law shall be inconsistent with the provisions of this Act or with the laws of this Province.

IX. And be it enacted, That all the provisions of the Act of the Parliament of Upper Canada, passed in the fourth year of the Reign of His late Majesty King William the Fourth, and intituled, *An Act to incorporate the London and Gore Railroad Company*, and the Acts of the Parliament of this Province reviving, extending or amending the same, or relating to the Company thereby incorporated, and since called The Great Western Railway Company, which shall be in force at the time of the passing of this Act, (whether passed during the present or any former Session of the Provincial Parliament,) and which shall not be inconsistent with this Act or provide for matters provided for by this Act, shall be and are hereby incorporated with this Act, and shall extend and apply to the Company hereby constituted, and the Railway which they are empowered to make, as fully and effectually as if the said provisions were herein repeated and re-enacted with respect to the said Company and to the said Railway; and all the provisions of the said Acts which are so incorporated with this Act, shall be intended and included by the expression "this Act," whenever it is used herein.

X. And be it enacted, That the said Company shall have the power and authority to borrow money, from time to time, for making, completing, maintaining and working their said Railway, as they may think advisable, and to pledge the lands, tolls, revenues and other property of the Company for the due payment thereof.

XI. And be it enacted, That in the construction of the said London and Port Stanley Railway, the Directors thereof or their agents shall not by the erection of any bridge or otherwise obstruct or impede the navigation of any river, brook or stream of water, over or alongside of which it may be necessary to construct the said Railway.

XII. And be it enacted, That it shall be lawful for the Directors (if authorized by any General Meeting of the Shareholders, to be called for that purpose,) or a majority thereof, to enter into or make any arrangement with the Directors of the Great Western Railway Company, or any other Railway Company, now or hereafter to be chartered in any part of this Province, for the union, junction and amalgamation of the said London and Port Stanley Railway Company, with such other Railway Company, or for the purchase by the one Company of the Railway of the other, as may be by mutual agreement decided upon between such Companies aforesaid.

XIII. And be it enacted, That the Directors of the Great Western Railway Company shall have and are hereby invested with full power and authority at any time hereafter, to enter into any agreement with the said London and Port Stanley Railway Company, as provided by the next preceding section

of this Act, and by By-law or By-laws to that effect, to incorporate the Capital Stock of the said London and Port Stanley Railway Company, with the Capital Stock of the said Great Western

Railway Company on equal terms with the Capital Stock of the said Great Western Railway Company, and from thenceforth the same shall be one and the same stock, and the said London and Port Stanley Railway shall become part and parcel of the Great Western Railway, as if originally constructed by the said Great Western Railway Company, and subject to all the regulations of the said-Company, in the same manner as other portions of the Line of the said Great Western Railway, and the Capital of the Great Western Railway Company shall be increased accordingly, and from the date of such amalgamation of the said Capital Stock and Line of Railway of the said London and Port Stanley Railway Company, with the said Great Western Railway Company, so much of this Act as may be inconsistent with such amalgamation shall cease and determine, but any provisions thereof not so inconsistent shall remain in force, and shall apply to the Line of Railway hereby authorized, and to the Great Western Railway Company, and the Directors, officers and agents thereof.

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