

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

16 Victoria – Chapter 136

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

Whereas the construction of a Railway connecting Port Dalhousie on Lake Ontario and Thorold, with the Great Western Railway, at or near the Welland Canal, must conduce greatly to the welfare of the inhabitants residing on the line of such Railway and in the surrounding country; And whereas the Honorable John Sandfield Macdonald, the Honorable William Hamilton Merritt, George S. Tiffany, George K. Smith, William Mattice, James McDonell and John P. Roblin, 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 Power Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the said Honorable John Sandfield Macdonald, the Honorable William Hamilton Merritt, George S. Tiffany, George K. Smith, William Mattice, James McDonell, and John P. Roblin, 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 Port Dalhousie and Thorold 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 Dalhousie and the Village of Thorold.

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 party 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 shall 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 Seventy-Five Thousand Pounds currency, to be divided into three 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 Railway and connected therewith, and all the rest and remainder of such money shall be applied towards making, completing and maintaining the said Railway and other purposes of this Act, and to no other purpose whatsoever: Provided always, that until the said preliminary expenses connected with the said Railway shall be paid out of the Capital Stock thereof, it shall be lawful for the Municipality of any Town, Village or Township on or near the line of the said Road, to pay out of the general funds of such Municipality their fair proportion of such Railway preliminary expenses, which sum shall be refunded to such Municipality from the Stock of the said Company, or be allowed to them in payment of Stock.

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 Town of St. Catherines, for the purpose of putting this Act into effect, which meeting shall be called by the Mayor of the said Town, ten days' public notice thereof being given by being published in the newspapers of -the said Town of St. Catherines, 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 five 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 Town of St. Catherines, at the office of the Company, there shall be chosen by the Shareholders five Directors in the manner hereinafter directed; and public notice of such Annual Election shall be published one month before the day of the election in any newspaper published in the Town of St. Catherines; 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 five 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-law

shall be passed, a majority of the Directors shall form such *quorum*: Provided, that the Directors may employ one of their number as 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 Two Hundred and Fifty 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 the amount of 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 it shall be lawful for the Directors (if authorized by any General Meeting of the Shareholders to be called for the purpose,) to enter into and make any arrangement with the Directors of any Railway Company now or hereafter to be chartered in any part of the Province, for the union, junction and amalgamation of the said Company with such other Railway Company, or for the purchase of the Railway of such other Company by mutual agreement with such Company; and the Capital Stock of any Companies so united shall become the Capital Stock of the Company formed by their union, and be controlled and managed as such, independently of all other increase of Stock authorized by this Act.

XIII. And be it enacted, That it may and shall be lawful for the said Company to cross, intersect, join and unite the said Railway with any other Railroad or Railway, with the consent of the Directors of such Railway, at any point on its route, and upon the lands of such other Railway or Railroad, with the necessary conveniences for the purpose of such connection, and the owners of both Railways may unite in forming such intersection and in granting the facilities therefor.

XIV. And be it enacted, That the said Company shall have power to contract or agree with any Bridge or Railway Company to transport passengers and freight across and to and from the Niagara River, and to any point on lake Erie; and to construct, own, or employ, at the cost and charge of the said Company, a steamboat or steamboats for the transportation of passengers and freight from the terminus of their Railway at Port Dalhousie to any point on Lake Ontario.

XV. And be it enacted, That, the said Company shall have power to become parties to Promissory Notes and Bills of Ex-change 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 of the Company, or Vice-President, 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 said Company; and every such Promissory Note or Bill of Exchange so made, drawn, accepted or endorsed by the President or the Vice-President of the said Company, and countersigned by the Secretary and Treasurer as such, after the passing of this Act, shall be presumed to have been properly made, drawn and 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.

XVI. And be it enacted, That any Shareholder, in the said Company, whether a British subject or alien, or a resident in Canada or elsewhere, shall have equal rights to hold Stock in said Company, to vote in the same, and be eligible to office in the said Company.

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

XVIII. 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 Port Dalhousie and Thorold Railway Company*, the receipt whereof is hereby acknowledged, grant, bargain, sell, convey and confirm unto the said *Port Dalhousie and Thorold Railway Company*, their successors and assigns for ever, 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 the said *Port Dalhousie and Thorold 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 the presence of _____

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