

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

16 Victoria – Chapter 241

An Act further to amend the Act incorporating *The Peterborough and Port Hope Railway Company*. Assented to 14th June, 1853.

Whereas *The Peterborough and Port Hope Railway Company* have by their Petition to the Legislature, prayed that certain amendments be made to the Act incorporating the said Company, and it is expedient to grant the prayer of their Petition; 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 Capital Stock of *The Peterborough and Port Hope Railway Company*, incorporated by the Act passed by the Legislative Council and Legislative Assembly of this Province, in the ninth year of Her Majesty's Reign, but sanctioned by Her Majesty in Council in the tenth year of Her Reign, and intituled, *An Act to incorporate The Peterborough and Port Hope Railway Company*, shall be any sum not exceeding Two Hundred and Fifty Thousand Pounds currency.

II. And be it enacted, That the said Company shall have full power and authority to construct a Branch Railway from some point on the main line of their Railway through the Townships of Cavan, Emily, Manvers, Ops and Mariposa, or any of them, to some point at or near the Western limit of the said Township of Mariposa, and from thence to some convenient point on the line of the Ontario, Simcoe, and Huron Union Railroad; and to such Branch line all the provisions of the said Act incorporating the said Company, as amended by any subsequent Act or by this Act, and all the powers vested in the Company by the said Act so amended, shall extend as fully and effectually as to the main line of the said Railway.

III. And be it enacted, That the eighteenth Section of the said Act incorporating the said Company, shall be and is hereby repealed; and that the following Clauses of "The Railway Clauses Consolidation Act," that is to say:— Section thirteen, respecting "Fences," — the sub-Sections marked respectively, Firstly and Secondly, of Section fourteen, respecting "TOLLS," —the sub-Sections marked respectively, Thirdly, Fourthly, Seventhly, Eleventhly, Twelfthly, Thirteenthly, Fourteenthly, Fifteenthly, Sixteenthly, Seventeenthly, Eighteenthly, Nineteenthly, Twentiethly, Twenty-firstly, Twenty- secondly and Twenty-thirdly, of Section sixteen, respecting "Directors— Their Election and Duties," Section twenty, respecting "Actions for Indemnity, and Fines and Penalties, and Their Prosecution,"—the sub-Sections marked respectively, Sixthly, Seventhly and Eighthly of Section twenty-one, respecting "Working of the Railway,"—and the sub-Sections marked respectively, Firstly, Eighthly and Ninthly, of Section twenty-two respecting, "General Provisions," shall be and they are hereby incorporated with and shall be held to make part of the said Act incorporating *The Peterborough and Port Hope Railway Company*.

IV. And be it enacted, That it shall and may be lawful for the Directors at any time upon giving thirty days notice in any newspaper published in the neighbourhood of the said Railway to call upon the Shareholders for such instalments upon each share which they or any of them may hold in the Stock of said Company, and in such proportions as the Directors may see fit, so as no such instalment shall exceed ten per cent; any thing in the twenty-seventh Section of the original Act of incorporation to the contrary notwithstanding: Provided always, that no subscriber to the Stock Book under the original Act incorporating the said Company cited in the first section of tin's Act, shall be held to be a Stockholder, or be responsible as such under the Act passed during the present Session amending the same, if such original subscriber shall within one month from the passing of this Act, signify in writing to the President of the Company his intention of withdrawing therefrom.

V. And be it declared and enacted, That the said Company have and shall have power to become parties to Promissory Notes and Bills of Exchange; and any Promissory Note made or endorsed, and any Bill of Exchange drawn, accepted or endorsed by the President of the Company with the counter signature of the Secretary of the Company or any two of the Directors of the Company, and under the authority of a majority of a *quorum* of the Directors, is and shall be binding upon the Company; and every Promissory Note or Bill of Exchange made, drawn, accepted or endorsed by the President of the said Company or any two of the Directors as such, with the counter signature of the Secretary, 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 is it or 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 or Directors or Secretary of the Company so making, drawing, accepting or endorsing or assisting to make, draw or endorse any such Promissory Note or Bill of Exchange, be thereby subjected individually to any liability whatever; Provided always, that nothing in this Clause 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 in any way to act as Bankers or carry on the business of Banking, nor shall any Note issued or to be issued by the said Company be assignable or transferable otherwise than by endorsement in full.

VI. And be it enacted, That a majority of the Directors of the Company shall form a *quorum* for the transaction of business; Provided that the said Directors may employ one of the said Directors as paid Director.

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

VIII. And be it enacted, That the said Company shall have full power and authority to take, without the consent of the owner, but subject to the provisions in this respect of the Railway Clauses Consolidation Act, such quantity and extent of land for depots, stations and other works and purposes of their said Railway, and of any branch thereof, as they may find requisite for the same, not exceeding ten acres for each such depot or station, and such quantity not exceeding ten

acres as they may find requisite for any depot, station or other works which they may construct at Rice Lake.

IX. 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 any 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.

X. And be it enacted, That it shall be lawful for the Directors of the said Company to make and carry into effect any arrangements which they shall deem meet with any other Railway Company or Steamboat Company, respecting the carriage of freight or passengers, or the working of their Railway and other such Railway or otherwise, or respecting the toils to be charged for the carriage of freight or passengers thereon.

XI. And be it enacted, That upon any branch line or feeder, the Railway may be constructed in a less expensive manner than upon the main line of Railway, and that the flat rail may be used thereon, any thing in the Railway Clauses Consolidation Act to the contrary notwithstanding.

XII. And be it enacted. That this Act shall be a Public Act.