

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

16 Victoria – Chapter 40

An Act to incorporate The Cobourg and Peterborough Pail-way Company. 10th November, 1852.

Whereas the construction of a Rail-way connecting the Town of Peterborough, its extensive water power and surrounding country, with the Port of Cobourg, must conduce greatly to the welfare of the inhabitants residing therein; And whereas Andrew Jeffrey, D'Arcy E. Boulton, Stuart E. Mackechnie, Edward J. Winans, Henry Jones Ruttan, George S. Daintry, John Beatty, the younger, Peter McCallum, Henry Mason, Asa A. Burnham, George Hutchinson, Francis Burnett, George M. Boswell, John Field, William G. Strong, Austin B. Carpenter, Thomas Scott, Ebenezer Perry, William Hitchins, John S. Wallace, William Gravely, William McDougall, Terence Duignan, Sidney Smith, John Helm, the elder, Henry Covert, Joseph B. Radcliffe and James B. Fortune, have prayed to be incorporated with the powers requisite for making and maintaining such Rail-way: 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 Andrew Jeffrey, D'Arcy E. Boulton, Stuart E. Mackechnie, Edward S. Winans, Henry Jones Ruttan, George S. Daintry, John Beatty, the younger, Peter McCallum, Henry Mason, Asa A. Burnham, George Hutchinson, Francis Burnett, George M. Boswell, John Field, William G. Strong, Austin B. Carpenter, Thomas Scott, Ebenezer Perry, William Hitchins, John S. Wallace, William Gravely, William McDougall, Terence Duignan, Sidney Smith, John Helm, the elder, Henry Covert, Joseph B. Radcliffe and James B. Fortune, 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 Cobourg and Peterborough Railway Company*.

II. And be it enacted, That the several Clauses of the *Rail-way Clauses Consolidation Act*, passed during the last Session of the now last Parliament, 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 Rail-way," and "General Provisions," shall be incorporated, with this Act.

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 costs and charges, on and over any part of the County, and across Rice Lake, lying between the Towns of Cobourg and Peterborough, to Peterborough, or to intersect any road leading from Peterborough Eastward.

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 Registers are hereby required to enter in their registry book such deeds, on the production thereof and proof of execution, without any memorial, and to minute every such entry on the said deed; and the said Company are to pay to the said Register 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 one hundred thousand pounds currency, to be divided into ten thousand shares of ten pounds each, which amount shall be raised by the persons and 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 passage of this Act, and for making the Surveys, Plans and Estimates of the said Road and connected with the said Rail-way, and all the rest and remainder of such money shall be applied towards making, completing and maintaining the said Rail-way and other purposes of this Act, and to no other purpose whatsoever; Provided always, that until the said preliminary expenses connected with the said Rail-way shall be paid out of the Capital Stock thereof, it shall be lawful for the Municipality of any Town 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 Rail-way 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 Cobourg, for the purpose of putting this Act into effect, which meeting shall be called by the Mayor of Cobourg, ten days' public notice thereof being given, by being published in the newspapers of the said Town of Cobourg, at which said General Meeting, the Shareholders present, having paid ten per cent on their Stock subscribed, shall either by 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 *Rail-way Clauses Consolidation Act*, shall hold office until the first Monday in February following; Provided, that the Heads of Municipalities subscribing for Stock may vote on such Stock at the said first Meeting, or in their absence, such persons as may be duly authorized under the Seal of the Municipality for the purpose; and such Municipalities so voting, shall vote according to the scale of votes hereinafter mentioned, and in the same manner as individual Shareholders.

VII. And be it enacted, That on the first Monday in February, in each year, at Cobourg, 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 the election in the *Canada Gazette*, and also once fifteen days before the

election in one newspaper in each Town upon the line of 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 the Board of Directors.

VIII. And be it enacted, That five Directors shall form a quorum for the transaction of business; Provided that the Directors may employ one or more of their number as paid Director or Directors.

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

X. And be it enacted, That it shall and may be lawful for the Directors, at any time, to call upon the Shareholders for the second and all subsequent instalments upon each share which they or any of them 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, so as no such instalment shall exceed ten per cent.

XI. And be it enacted, That each Shareholder in his own right, shall be entitled to the number of votes in proportion to the number of shares which he shall have in his name two weeks prior to the time of voting; Provided that no one Shareholder as aforesaid, shall have more than live hundred votes, and that Municipalities shall have one hundred votes for every five thousand pounds they shall subscribe.

XII. And be it enacted, That the said Company may become parties to promissory notes and bills of exchange for sums not less than twenty-five pounds; and any such promissory note made and 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 Directors shall be binding upon the said Company, and every such promissory note or bill of exchange so made, drawn, accepted or endorsed, 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, until the contrary be shown: 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 or Vice-President, Secretary or Treasurer of the Company so making, drawing, accepting or endorsing any such promissory note or bill of exchange be hereby 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 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 Rail-way Company, now or hereafter to be chartered in any part of this Province for the union, junction and amalgamation of the said Company with any other Rail-way 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.

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

XV. And be it enacted, That it shall and may be lawful for the said Company to take and appropriate for the use of the said Rail-way, so much of the land covered with the waters of the Otonabee and Rice Lake, and of any stream, or of their respective beds, as may be found necessary for the making, completing, or more completely using the same; and thereon to erect any wharves, quays, inclined planes, cranes, and other works as to the Company shall seem meet: And if the said Rail-way shall be carried across the Rice Lake or Otonabee River, the said Company shall leave such openings between the piers of their bridge, or viaduct over the same, and shall construct such draw, swing or other bridges over the channel of the said River or of Rice Lake, and shall be subject to such regulations with regard to the opening of such draw, swing or other bridges for the passage of vessels, steamboats and rafts, as the Governor in Council shall, direct and make from time to time; nor shall it be lawful for the said Company to construct any wharf, bridge or pier, or other work upon the public beach of the said Rice Lake or Otonabee River, or upon the land covered with the waters thereof, until they shall have submitted the plans of such work to the Governor in Council, nor until the same shall have been approved by him in Council as aforesaid, nor shall it be lawful for the said Company to construct, any bridge across the said lake without the consent of the Governor in Council.

XVI. And be it enacted, That by any regulations to be made by the Governor in Council touching any such draw bridge, swing or other bridges as aforesaid, penalties not exceeding ten pounds in any case, may be imposed for the contravention thereof, and such penalties shall be recoverable from the said Company, or from any of their officers or servants by whom the regulations shall have been contravened.

XVII. Provided always, 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 of the said Rail-way Clauses Consolidation Act, such quantity or extent of land for their Depot and other works, at the Town of Cobourg, as they may find requisite for the same, not exceeding ten acres, and such quantity or extent of land not exceeding- ten acres as they, may find requisite, for any Depot and works which they may construct at Rice Lake, and at the Town of Peterborough, or in the Township of Otonabee within one mile of the said Town, any limitation in the tenth section of the said Act headed, "Plans and Surveys," to the contrary notwithstanding; and the limitation in the

said section, of the quantity of land to be so taken, shall apply only to lands taken by the said Company, at places other than those above mentioned.

Schedule A.

Know all men by these Presents that I _____ of _____ do hereby in consideration of _____ paid to me by the *Cobourg and Peterborough Railway Company*, the receipt whereof is hereby acknowledged, grant, bargain, sell, convey and confirm unto the said Cobourg and Peterborough Rail-way Company, their successors and assigns for ever, all that certain parcel or tract of land situate _____ the same having been selected and laid out by the said Company for the purpose of their Rail-way, to have and hold the said land and premises, together with the hereditaments and appurtenances thereto to the said Cobourg and Peterborough Rail-way Company, their successors and assigns for ever.

Witness my Hand and Seal, this _____ day of _____ one thousand eight hundred and _____

Signed, sealed and delivered in presence of _____