

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

16 Victoria – Chapter 44

**An Act to incorporate *The Hamilton and Toronto Rail-way Company*. 10th November, 1852.**

Whereas it is highly desirable that a Rail-way should be made from the Terminus of the Great Western Rail-road at the City of Hamilton, to the City of Toronto, 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 Robert W. Harris, of the City of Liverpool, Merchant, Samuel Laing, of the City of Brighton, Member of the House of Commons, John Masterman, of the City of London, Banker, Peter Buchanan, of the City of Glasgow, Merchant, William Shaw, of the City of London, Esquire, Isaac Buchanan, Henry McKinstry, W. P. McLaren, Richard Juson, John Young the elder, George S. Tiffany, William L. Distin, John Fisher, Hector Munro, Edmond Ritchie, Alexander Campbell, Andrew Stuart, all of the City of Hamilton, Esquires, Sir Allan Napier MacNab, of Dundurn, the Honorable William Allan, the Honorable William B. Robinson, William Caley, Joseph C. Morrison, Thomas G. Ridout, and John Cameron, all of the City of Toronto, Esquires, Doctor James Hamilton, of West Flamborough, Walter H. Dickson, of the Town of Galt, Esquire, together with such other 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 Rail-way, shall be and are hereby united into a Company for constructing, maintaining and working the said Rail-way, according to the Rules, Orders and Directions of this Act, and shall for that purpose be one body corporate and politic, by the name and style of *The Hamilton and Toronto Rail-way 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 Rail-way to be called The Toronto and Hamilton Mail-way, from the Terminus of the Great Western Rail-road at the City of Hamilton, to the City of Toronto, upon such line as may be found most advantageous for the purpose, the said line being first approved by the Governor in Council, and also to make and complete a Branch Rail-way from such point on the Great Western Railroad as they may deem most advantageous, to Port Dalhousie on Lake Ontario.

II. And be it enacted, That the Guage of the said Rail-way and of the said Branch Rail-way, shall be five feet six inches, and the said Rail-way (but not the said Branch Rail-way,) shall be held to form part of the Main Trunk Line of Rail-way, and the said Company shall accordingly upon complying with all the provisions of the law in that behalf, be entitled to the benefit of the Guarantee of the Province, to the extent and in the manner by law provided.

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 Rail-way and Branch, and all such other works, matters and conveniences as may be found necessary for making, effecting, preserving, improving, completing, maintaining, and using the said Rail-way and Branch and other works: Provided always, that the parties hereinbefore named, or a majority of them shall cause books of subscription to be opened simultaneously in the Cities of Hamilton and Toronto, and afterwards in such other places 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 the *Canada Gazette*, and such other newspapers as they or a majority of them may 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, and shall, at the time of subscription, pay to the persons authorized to receive the said subscriptions, ten per centum on the amount of Stock so subscribed for, 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; Provided always, that the said parties, or the majority, may reserve one half of the whole Capital Stock of the said Company for subscription in Great Britain, if they deem it expedient.

IV. And be it enacted, That the sum so to be raised or subscribed shall constitute the Capital Stock of the said Company, and shall not exceed in the whole the sum of four hundred and fifty thousand pounds, currency; and the money so 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 Rail-way and Branch, 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 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 the first general meeting of the subscribers to the said undertaking shall be held at the City of Hamilton, whenever four hundred and fifty shares in the Capital Stock of the said Company shall have been *bonâ fide* subscribed for, and ten per centum paid thereon as aforesaid, and at such meeting nine persons being each a subscriber for at least forty shares, who shall have paid ten per centum thereon, shall be chosen Directors of the said Company, 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.

VII. 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 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 those of the Acts relative to the Great Western Rail-road Company, which are hereinafter extended to the Company hereby incorporated, or with the laws of this Province.

VIII. 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 Rail-road Company*, and of the Acts of the Parliament of this Province, reviving, extending, or amending the same, or relating to the Company thereby incorporated, and now called the Great Western Rail-road Company, which shall be in force at the time of the passing of this Act, and 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 Rail-way and Branch 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 Rail-way and Branch.

IX. And be it enacted, That the said Company shall have power to borrow money to an amount not exceeding in the whole the sum of one hundred thousand pounds; but except only as regards the amount to be borrowed, the provisions of the Acts above referred to, as regards loans raised by the Great Western Rail-road Company, shall apply to those raised by the Company hereby incorporated.

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