

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

16 Victoria – Chapter 50

An Act to amend the Charter of the Erie and Ontario Rail-road Company. 10th November, 1852.

Whereas the Erie and Ontario Rail-road Company have by their Petition prayed that the Act passed by the Legislature of the late Province of Upper Canada, in the fifth year of the Reign of his late Majesty King William the Fourth, intituled, *An Act to incorporate certain persons therein mentioned under the name and title of the Erie and Ontario Rail-road Company*, may be amended, so as to empower the said Company in their discretion to alter the route of their present road, and to extend the same to the Niagara River at or near the Town of Niagara, and to increase the Capital Stock of the said Company and for other purposes; And whereas it is desirable that the prayer of the said Petition should be granted: 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 for and notwithstanding any thing in the said Act or any other Act of the Parliament of this Province contained, it shall and may be lawful for the said Company and they are hereby authorized to vary or alter in their discretion the line or route of their present road in any part thereof, and to pass by or near the Niagara Falls' Suspension Bridge, and thence to the Queenston Mountain at the ravine leading to St. Davids, or at such other point as they may deem most advisable, and thence to continue the said road in a direct course or such other course as they may see proper to the said Niagara River at or near the said Town of Niagara, and to extend one or more branches thereof from such point or points on their said road as they may deem advisable to the said Suspension Bridge, to the Clifton House, and to the Village of Queenston, if they deem it expedient; and they are hereby given and granted the same rights and powers to enter into, survey and procure title to the lands required for the purposes of the said Company as regards such altered or changed route of the said road, as well as in respect to the extension of the same as are provided for in and by the original Charter of the said Company in relation to entering upon, surveying and procuring title to lands generally for the purposes of the said Company.

II. And be it enacted, That notwithstanding as aforesaid, the whole Capital Stock of the said Company, exclusive of any real estate which the said Company may have or hold by virtue of the said recited Act or of this Act, shall not exceed the sum of One hundred and fifty thousand pounds, with a privilege to the said Company of extending the amount of said Capital to the amount of Two hundred and twenty-five thousand pounds in the event of the extension of the works to Lake Erie, as provided for in and by the original Charter; and that such Capital or Stock of One hundred and fifty thousand pounds or Two hundred and twenty-five thousand pounds (if increased) be held in Twelve thousand or Eighteen thousand shares of Twelve pounds ten shillings each, and such share shall be deemed personal property, and may, after the first instalment thereon shall

have been paid, be transferred by the respective persons, bodies corporate or politic holding the same, to any person or persons, and such transfer or transfers shall be entered and registered in a book or books to be kept for that purpose by the said Company.

III. And be it enacted, That the election of Directors for the said Company shall be held at the time and place and on the notice prescribed by the Act incorporating the said Company; but at each election of Directors held after the passing of this Act, each Stockholder shall be entitled to the number of votes proportioned to the number of shares of Stock which shall stand in his or her name at the time of holding such election, any thing in the original Charter of the said Company to the contrary notwithstanding; Provided always, and it is hereby enacted, That the first election of Directors to be held after the passing of this Act, shall take place so soon as Three thousand shares of the Capital Stock of the said Company shall have been subscribed and the first instalment paid thereon, and that from and after such first election the now Directors of the said Company, or the Directors for the time being elected under the original Charter, shall be immediately superseded, and their powers and authority cease and determine, and the same shall thenceforth be exercised only by the Directors elected under this Act; Provided nevertheless, that the same notice shall be given of such last mentioned election of Directors as is required to be given in and by the original Charter.

IV. And be it enacted, That the said Company shall have power to contract or agree with any Bridge Company to transport passengers and freight across, and to and from the said Niagara River at any point between Lake Ontario and the South-western terminus of their said road, and to pay such compensation therefor as they may think proper, and to construct, own or employ, at the cost and charge of the said road, a steamboat or steamboats for the transportation of passengers and freight from the termini of the road of the said Company to any point or points on the Niagara River or Lake Erie or Lake Ontario, that the Directors may deem expedient for the purpose of connecting with their said road.

V. And be it enacted, That it shall be lawful for the said Company, from time to time, either in this Province or elsewhere, to borrow such sums of money as may be expedient for completing, maintaining and working the said Rail-way, and at a rate of interest not exceeding six per cent. per annum, and to make the Bonds, Debentures or other securities granted for the sums so borrowed, payable either in Currency or in Sterling, and at such place or places within this Province or without as may be deemed advisable, and to sell the same at such prices or discount as may be deemed expedient or as shall be necessary, and to hypothecate, mortgage, or pledge the lands, titles, revenues and other property of the Company for the due payment of the said sums and the interest thereof; but no such Debenture shall be for a less sum than Twenty-five pounds; and the Directors of the said Company may confer upon the holders of any such Bond, Debenture or other security issued by the Company as aforesaid, the right to convert the principal due or owing thereon into Stock of the said Company at any time not exceeding ten years from the date thereof, under such regulations and on such conditions as the said Directors may see fit to adopt or impose.

VI. And be it enacted, That it shall be lawful for the said Company to cross, intersect, join and unite their Rail-way with any other Rail-way at any point on its route or branches, and upon the lands of such other Rail-way with the necessary conveniences for the purposes of such connection; and the owners of both Rail-ways shall unite in forming such intersection, and grant the facilities therefor; and in case of disagreement upon the amount of compensation to be made therefor, or upon the point or manner of such crossing and connection, the same shall be determined by Arbitrators in the manner provided for by the original Charter in respect to ascertaining and determining the value of lands taken by the said Company for the purposes of the said road; and the said Company have hereby full power and authority to carry their said road along and upon any road allowance or existing highway, provided they shall obtain the consent of the proper Municipal authority therefor, and shall leave an open and good passage for carriages thereon; Provided always, nevertheless, that it shall be lawful for the said Company merely to cross the said road allowance or highway in the line of their Rail-way without the necessity of obtaining any such consent as aforesaid.

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

VIII. And be it enacted, That it shall be lawful for any Municipal Corporation within whose jurisdiction the said Railroad, or any part of it may be made, to subscribe and hold such amount of shares on the said Capital Stock of the said Company as they may deem expedient; or they may lend their assistance by loaning money to such Company, or in any other manner that to them may seem meet, in aid of making, constructing or completing the said Rail-road or any part thereof, subject always and in conformity with such Laws as are now in force or may be passed during the present Session of Parliament respecting the terms and conditions on which Municipalities may take Stock in or make loans in behalf of any undertaking or work to be carried on in this Province; and the Stock so subscribed by such Municipal Corporation shall be represented by the Mayor, Warden or Reeve for the time being of such Municipal Corporation, or by such person as said Municipal Corporation may appoint for that purpose, and such Mayor, Warden, Reeve or person so appointed as aforesaid, shall be ex officio a Director of the said Company in addition to the Directors now by Law authorized to be elected, but such Municipal Corporation being represented by an Officer ex officio, shall not be entitled to vote at any election of Directors in respect to the Stock subscribed for or held by such Municipal Corporation, but at all other Meetings of the said Company the said Mayor, Warden, Reeve, or person so appointed as aforesaid, shall be entitled to vote in like manner and to the same extent as any other Director of the said Company; any law or usage to the contrary thereof notwithstanding.

IX. And be it enacted, That, in addition to the Real Estate which the said Rail-road Company is now by Law authorized to hold, it shall also be entitled to have and hold all such Real Estate as may be necessary for Wharves, Docks, Warehouses, Engine Houses and Workshops, at the terminus on the Niagara River and Lakes Erie and Ontario, and at the River Welland.

X. And be it enacted, That all enactments in the original Charter of the said Company, and all Acts or laws inconsistent with the provisions of this Act, shall be and the same are hereby repealed, but in so far only as the same apply or may be held to apply to any thing provided for in this Act.

XI. And be it enacted, That any Sale or Sales of the Rail-road or the Stock therein heretofore or hereafter *bonâ fide* made, to satisfy any *bonâ fide* debt or debts due by the said Company, shall vest the ownership thereof in the *bonâ fide* purchaser or purchasers thereof, together with all and singular the property, privileges and appurtenances thereunto belonging; Provided that any such Sale or Sales made or to be made, shall not be held to extinguish any legal debt or debts due and owing by the said Company, but the rights of all Creditors of the said Company shall be and are hereby declared to be preserved to them, to the same extent and in like manner as they existed prior to the passing of this Act.

XII. And be it enacted, That all or any Steamboat or Steamboats, Schooner or Schooners and all other Craft shall have full liberty to touch at, moor to and use the wharves and docks of the said Company, at all reasonable times, upon payment of the usual rates or charges fixed or to be fixed by the said Company therefor.