

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

16 Victoria – Chapter 51

An Act to amend the Act incorporating the *Ontario, Simcoe and Huron Rail-road Union Company*. 10th, November, 1852.

Whereas it is desirable to amend the Act passed in the twelfth year of Her present Majesty's Reign, intituled, *An Act to incorporate the Toronto, Simcoe and Lake Huron Union Railroad Company*: 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 so much of the said Act as relates to the raising of funds for the construction of the Railroad therein mentioned by means of allotments by chance or distribution of prizes, shall be and the same is hereby repealed.

II. And be it enacted, That the Directors of the said Company shall and they are hereby required, within two weeks after the passing of this Act, to call a meeting of the Shareholders of the said Company, at the City of Toronto, to be held within five weeks after the passing of this Act, for the purpose of electing Directors, and they shall cause notice of the time, place and object of such meeting to be published in at least two newspapers published in the said City, fourteen days previous to the holding the same; and at such meeting the Shareholders assembled, with such proxies as shall then be present, shall choose eleven persons, being each a proprietor of not less than twenty shares, to be Directors of the said Company; and that this clause shall stand in the place of the twenty-fifth clause of the said Act, which said twenty-fifth clause is hereby repealed.

III. And be it enacted, That the Directors so elected, or those appointed or elected in their stead in case of vacancy, as in the said Act of Incorporation is provided for, shall remain in office until the first Monday in the month of June following after their election or appointment, and that on the first Monday in June in each year thereafter, or on such other day as shall be appointed by any By-law, an annual General Meeting of the Proprietors of the said Company shall be held at the Office of the Company for the time being, to choose Directors in the room of the preceding Directors who shall then go out of office: Provided always, that the retiring Directors who shall be duly qualified shall be eligible to be re-elected from time to time.

IV. And be it enacted, That the number of votes which each proprietor of shares in the said Company shall be entitled to give on any occasion, when he shall be legally authorized to vote, shall be as follows: that is to say, one vote for every share not exceeding one hundred; a further vote for every additional five shares over one hundred shares, up to five hundred shares; and a further vote for every additional ten shares over five hundred: Provided that no proprietor or corporation shall be entitled to give a greater number of votes than five hundred; and provided,

further, that nothing herein contained shall be held to prevent the City of Toronto and the County of Simcoe having each a Director in the said Company, under the provisions of the Act passed in the Session held in the thirteenth and fourteenth years of Her Majesty's Reign, and chaptered eighty-one: Provided always, that if any of the original Shareholders in the Company, excepting always Messrs. Storey & Co., the Contractors for the said Road, the City of Toronto and the County of Simcoe, shall, within three months after the passing of this Act, apply for the repayment of any instalment paid in cash by them or any of them, to the said Company on the shares for which they have subscribed, the Directors of the Company shall on demand refund the amount so paid and the said shares shall thereafter be considered cancelled.

V. And be it enacted, That no Shareholder shall be entitled to vote on any occasion until all calls or instalments legally called in and due by him are paid.

VI. And be it enacted, That the said Company may, instead of erecting Gates on each side of the Rail-road, where it crosses the public highway, as required by the fourteenth Section of the Act first above cited, erect cattle guards at such road crossing as shall appear more conducive to the public safety and convenience; and provided always, that the Board of Rail-way Commissioners shall approve of the same.

VII. And whereas doubts have arisen as to whether the Directors named in the said first above cited Act and their successors had or have authority to contract for the construction of the said Rail-road, and generally to act in the premises, and it is desirable to set at rest such doubts; Be it therefore enacted, That each and any act, matter or thing heretofore done or to be done by such Directors and their successors, shall be held and taken to be valid to all intents and purposes, as if any such act, matter or thing were done by Directors duly qualified under the provisions of the twenty-fifth clause of the said Act, and provided such acts, matters and things, were within the power and authority of such Directors.

VIII. And whereas it is expedient to construct at or near the terminus of the Rail-road on Lake Huron a Harbor for the convenience of the Public and facilitating the traffic of the Road; Be it enacted, That the said Company are hereby authorized and empowered to construct a Harbor at or near the northern terminus of the said Rail-road on Lake Huron, which shall be accessible to, and fit, safe and commodious for the reception of such description and burthen of vessels as commonly navigate Lake Huron, and also to erect and build up such needful moles, piers, breakwaters, wharves, buildings, erections and constructions whatsoever, as shall be necessary, useful and proper for the protection of such Harbor, and for the accommodation and convenience of vessels entering, lying, loading and unloading within the same, and to alter, amend, repair, enlarge, deepen and dredge the said Harbor from time to time as may be found expedient and necessary, and also a Dry Dock or Rail-way calculated for refitting and repairing all shipping at such Harbor.

IX. And be it enacted, That it shall and may be lawful for the Directors of the said Company from time to time to regulate, fix and establish the rates of wharfage, tolls, dues or duties payable by persons navigating or using rafts, vessels, boats, or other craft on Lake Huron, and who may from

time to time partake of the benefits and advantages of the said Harbor, Wharves, Docks or Rail-way, or of the store-houses or other protections and erections for the safe keeping, repairing and refitting of all vessels, boats, crafts or rafts of any description, and of goods, wares and merchandize shipped or unloaded within the said Harbor, and to alter the said tolls, dues, duties and demands as they may deem proper and expedient; a copy of which tolls, rates and dues, shall be affixed up in not less than three places at or near to the said Harbor: Provided always, that such tolls, rates and dues shall be subject to the approval of the Governor of this Province.

X. And be it enacted, That if any person shall neglect or refuse to pay the rates, tolls, dues or demands aforesaid, it shall and may be lawful for the said Company or their Officer, Clerk or Servant duly appointed, to seize or detain the goods, vessels or boats on which the same shall be due and payable, until such tolls shall be paid, and if the same shall remain unpaid for the space of thirty days next after such seizure, the said Company, or their Officer, Clerk or Servant as aforesaid, may sell or dispose of the said goods, vessels or boats, or such part thereof as may be necessary to pay the said rates, tolls, dues and demands, by public auction, giving ten days' notice thereof, and return the surplus, if any, to the owner or owners thereof.

XI. And be it enacted, That all ships and vessels owned by or belonging to or in the use of Her Majesty or the Provincial Government, shall from time to time have free access and privilege of occupancy and sheltering under and using the privileges, safeties and advantages of the said Harbor, Wharves, Dry Dock or Rail-way, free of all tolls or duties whatsoever.

XII. And whereas the Municipal Council of the County of Simcoe, by a By-law made in the month of January, one thousand eight hundred and fifty-one, under the provisions of the said Act passed in the Session held in the thirteenth and fourteenth years of Her Majesty's Reign, and intituled, *A By-law to provide for taking Stock in the Ontario, Simcoe and Huron Rail-road Company, in the sum of fifty thousand pounds, issuing debentures for that amount, and scouring payment of the same*, agreed to take Stock in the said Company to the amount of fifty thousand pounds, and authorized the Warden of the said County forthwith thereafter to take and subscribe for such Stock on behalf and in the name of the said Council, and for payment thereof, to issue debentures payable in twenty years for such amount; And whereas in pursuance of such By-law, the said Warden did take and duly subscribe for the said fifty thousand pounds of Stock in the books of the Company, and did issue debentures to the said amount, and in compliance with the terms of the said By-law issued from time to time to the said Company, the said fifty thousand pounds of debentures; And whereas doubts exist as to the form of the said By-law, and it is desirable to set at rest such doubts: Be it enacted, That the said Bylaw shall not be liable to be quashed or annulled for any want of form or otherwise, but the same shall be held and taken to be a good and valid By-law to all intents and purposes whatsoever.

XIII. And be it enacted, That so much of the Act cited in the preamble of this Act, as shall be found to be inconsistent with the provisions of this Act, shall be and is hereby repealed.