

Laws of Her Majesty's Province of United Canada, passed in the year 1854. Quebec: Stewart Derbyshire and George Desbarts, 1854.

18 Victoria – Chapter 179

An Act to amend the Charter of the Woodstock and Lake Erie Railway and Harbour Company. Assented to 19th May, 1855.

Whereas the Woodstock and Lake Erie Railway and Harbour Company have by their petition, prayed for amendments to their Act of incorporation, and that they may be authorized to extend their road to the Suspension Bridge on the Niagara River, and to St. Thomas in the County of Elgin, and for other purposes, and it is expedient to grant the same: 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, as follows:

I. As soon as three hundred thousand pounds shall have been subscribed as hereinafter provided for, and the ten per cent, paid thereon as hereinafter mentioned, the said Company shall have full power and authority to extend their Railway from Dunnville in the County of Haldimand, to, at or near the Suspension Bridge across the Niagara River, in the Township of Stamford, in the County of Welland, and also to extend their Railway from Otterville, in the County of Oxford, or from Port Dover, in the County of Norfolk, or from any point between the two last named places, to St. Thomas, in the County of Elgin, and to such extensions all the provisions of the Act incorporating the said Company, and the Act amending the same, and all the powers thereby and hereby granted to the said Company, shall extend and apply as fully to all intents and purposes whatever, as to the Railway in the said Acts mentioned, or as they could do if the said extensions had been mentioned in the said Acts as part of the Railway the said Company were thereby authorized to construct; Provided always, that the extension authorized by the Act sixteenth Victoria, chapter two hundred and thirty-nine, shall proceed direct from the town of Simcoe or its immediate vicinity.

II. And whereas it is necessary to increase the Capital Stock of the said Company, and it is expedient that the same be divided into shares of twenty-five pounds each: the Capital Stock of the said Company shall be One Million of Pounds divided into shares of twenty-five pounds each: every five shares now held by the Stockholders of the said Company shall after the passing of this Act be converted into, taken and be held as one share in the said Company; and so much of the clause of the Railway Clauses Consolidation Act with respect to directors, their election and duties as is contained from the fourteenth to the twenty-third sections of the said clause, both inclusive, shall be and are hereby incorporated with the Acts hereby amended and with this Act, and so much of the said Acts as may be inconsistent with any of the provisions of the said sections of the said clause of the Railway Clauses Consolidation Act, shall be and the same are hereby repealed; Provided always, that the said Company shall cause books of subscription to be opened in the

towns of St. Thomas and Simcoe and at Elgin, and at the Suspension Bridge, for thirty days, and afterwards in such other places as they may from time to time appoint, for receiving of subscriptions of persons willing to become subscribers for the purpose of constructing the extensions aforesaid, and for that purpose it shall be their duty, and they are hereby required to give public notice, in one or more newspapers published in the said towns of St. Thomas and Simcoe, of the time and places at which such books shall be opened and ready for receiving subscriptions as aforesaid, and of the persons authorized to receive such subscriptions, and of a Chartered Bank into which the ten percent, thereon is to be paid, and of the time hereinafter limited for such payment, and every person whose name shall be written in such books as a subscriber as aforesaid and who shall have paid, within ten days after the closing of the said books, into the Chartered Bank mentioned in such notice, or any of its branches or agencies, ten per centum on the amount, of stock so subscribed for, to the credit of the said Company, shall become a member of the said Company, and shall have the same rights and privileges as such, as are conferred on the present Stockholders of the said Company; Provided also, and it is hereby enacted, that such ten per centum shall not be withdrawn from such Bank, or otherwise applied except for the purposes of such extensions or upon a resolution of the said Company that the said extensions cannot be proceeded with for want of means, or upon a forfeiture of the power to make such extensions by reason of non-compliance with the provisions of this Act.

III. The said Company shall have power, and is authorized in pursuance of any resolution to that effect, adopted at a Special General Meeting of the Shareholders, duly convened for that purpose, and by and with the consent of the Municipalities now or that hereafter may be interested in the said Company as Bond-holders, or Stockholders, or a majority of them, signified by resolution to that effect, to amalgamate and unite with any other Railway Company in this Province, or to lease or sell their line of road, or any portion thereof, and appurtenances, or the Stock thereof, to any such other Railway Company — or to purchase, buy out, or lease any other such Railway Company, or the Stock thereof — the whole upon such terms and conditions as shall be agreed upon — which said amalgamation, purchase, lease or agreement, such other Railway Company is hereby fully authorized to effect with the said Company upon a resolution to be adopted by the majority of the Shareholders of such other Railway Company at a Special General Meeting to be convened for the purpose: and, upon the effecting of any such amalgamation, purchase, lease or agreement, all the rights, privileges and the powers of the Company so amalgamated with, leased or purchased, by this Company, or by such other Company so amalgamated with, leased or purchased, shall be merged in this Company or in such other Company, and shall be held, used and applied by them in their own name, or in the name of such other Company as shall be expressed in the articles or deed of amalga-mation executed by the amalgamating Companies, to all intents and purposes as if the same had been granted originally to the said Company, whose name shall be retained and expressed in such articles of amalgamation, and in addition thereto: Provided always, that all such terms and conditions as shall be mentioned and expressed in the Deed or articles of amalgamation, shall alone be binding upon the Company so amalgamating, purchasing or leasing, and such amalgamation, purchasing or leasing shall not render such Company liable for any other consideration, matter or thing beyond the said terms and conditions.

IV. So much of the fifth section of the Act amending the Act incorporating the said Company, passed in the sixteenth year of Her Majesty's reign, chaptered two hundred and thirty-nine, which requires that Directors shall hold stock to the extent of twenty-five shares, is hereby repealed; and the qualification of such Directors after the passing of this Act shall be the holding of five shares each, created under the provisions of this Act.

V. The thirtieth section of the Act incorporating the said Company shall be and is hereby repealed.

VI. It may be lawful for the Municipalities that have made loans to the said Company, with the consent of the said Company, by virtue of a By-law of such Municipality, passed for that purpose, to change or convert the amount of such loan into stock of the said Company, and upon the reception by the Treasurer of any such Municipality of the scrip for such stock so taken in lieu of such loan, the amount due on account of any such loan or liability shall be discharged.

VII. No Stockholder shall be entitled to vote at any election of Directors, or at any general or special meeting of the Stockholders of the said Company, who shall not have paid all calls due upon his stock at the time of such election or meetings.

VIII. And whereas the said Company have purchased all the rights and property of the Port Dover Harbour Company, and doubts have arisen of the right of the said Company to use their corporate name in matters relating to the said Harbour Company, — the said Railway Company shall and may, and are hereby authorized, in all matters relating to or affecting the rights and property of the Port Dover Harbour Company, or the right of the said Company thereto, to use the corporate name and title of the said Railway Company instead of the title and name of the said Harbour Company, as if such Harbour Company and the rights, privileges and property of the same had been originally incorporated with and formed part of the said Railway Company: Provided always, that nothing herein contained shall be taken to lessen the liability of the said Railway Company in respect of such Harbour.

IX. The said extensions shall be commenced within two years, and be completed within five years after the passing of this Act, and all clauses or parts of clauses in any former Acts relating to the said Company which are inconsistent with the provisions of this Act, shall be and are hereby repealed.

X. The extensions authorized by this Act shall not be taken to prevent any other Company from obtaining power to extend their line or obtaining a charter for the construction of another line of Railway connecting the Lakes Erie and Ontario.

XI. This Act shall be deemed a Public Act.