

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

18 Victoria – Chapter 182

**An Act to incorporate the Amherstburgh and St. Thomas Railway Company. Assented to 19th May, 1855.**

Whereas the construction of a line of Railway from Amherstburgh to St. Thomas, will conduce materially to the welfare of the inhabitants residing along the line of such Railway, as well as to the prosperity of the surrounding country; And whereas John McLeod, Thomas Park, George Wilson, Thomas Salmoni, John B. Laliberté, Peter Menzies and John Kolfage, of the Town of Amherstburgh, Merchants, John G. Buchanan, of the Township of Colchester, Esquire, Charles Baby, of the Town of Sandwich, Esquire, Thomas Wood-bridge, of the Town of Sandwich, Merchant, Samuel S. McDonnell, of the Village of Windsor, Barrister, and James Cuthbertson, of the same place, Esquire, Edward Ermatinger, Marshall J. Moore, John McKay, David J. Hughes, William Ross, Elthan Paul, Alexander Love, and George W. Boggs, of St. Thomas, Esquires, William Scott, of the Town of Sandwich, Civil Engineer, Edwin Larwill, of the Town of Chatham, Esquire, M. P., George Macbeth, of St. Thomas, Esquire, M. P., George Southwick, of the Town of St. Thomas, Esquire, M. P., and Arthur Rankin, of Thornfield, in the County of Essex, Esquire, M. P., have prayed to be incorporated with the powers requisite for making and maintaining such Railway: 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. The said John McLeod, Thomas Park, George Wilson, Thomas Salmoni, John B. Laliberté, Peter Menzies and John Kolfage, John G. Buchanan, Charles Baby, Thomas Wood-bridge, Samuel S. McDonnell, James Cuthbertson, Edward Ermatinger, Marshal J. Moore, John McKay, William Ross, Elthan Paul, Alexander Love, George W. Boggs, William Scott, Edwin Larwill, George Macbeth, George Southwick and Arthur Rankin, together with such person or persons, Corporations and Municipalities, as shall under the provisions of this Act, become Shareholders in such Company as hereinafter mentioned, shall be and are hereby ordained and constituted and declared to be a body corporate and politic in fact, by and under the name and style of the Amherstburgh and St. Thomas Railway Company.

II. The several clauses of the Railway Clauses Consolidation Act, 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 Railway," and "General provisions,"

shall be incorporated with this Act, and shall be included by the expression “ this Act” whenever used herein.

III. The said Company and their servants or agents, shall have full power under this Act, to lay out and construct, make and finish, a double or single Iron Railway or Road, at their own cost and charges, on and over any part of the country lying between the Detroit River, at or near Amherstburgh, to, into or through the Town of St. Thomas, or as near to it as may be found convenient, and the said Company shall have full power to construct a Branch Railway from their main line, at such point as may be found most convenient, to connect the Village of Windsor with the Town of Amherstburgh, at their own cost and charges.

IV. The said Company and their servants and agents, shall have full power under this Act, to purchase and hold River frontage, on the River Detroit, at or near Amherstburgh, and at or near the Village of Windsor, and to build Wharves or Docks thereon, also to construct, build or purchase and hold, such Steam Ferry Boats as they may require to enable them to convey passengers and freight across the River Detroit, or to such point on the American shore of Lake Erie, within the state of Michigan, and as may be necessary to enable them to connect with the various Railways running west-wardly through the State of Michigan, and they shall have power to dispose of the same if so inclined or to charter any other steam vessel not being their own property to perform this service.

V. 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 circumstances of the parties making such conveyance will admit, be made in the form given in the Schedule to this Act marked A, and all Registrars are hereby required to enter in their Registry Books such Deeds on the production thereof and proof of execution, without any memorial, and to minute every such entry on the Deed; and the said Company are to pay the said Registrar for so doing the sum of two shillings and six pence, and no more.

VI. The capital Stock of the said Company shall be one Million Pounds Currency, to be divided-into Forty Thousand shares of Twenty-five Pounds each, which amount shall be raised by the persons or parties above named, or some of them, together with such 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 passing of this. Act, and for making the surveys, plans and estimates of the said Railway and connected therewith, including those made within the last two years; Provided always, that George Southwick, George Macbeth, John McLeod, Edwin Larwill, John Kolfage, Elthan Paul and Arthur Rankin, seven of the persons named in this Act, or a majority of them, shall cause books of subscription to be opened in the towns of Amherstburgh, Windsor, Chatham and St. Thomas for thirty days, and afterwards in such other places as they may from time to time appoint, until the meeting of Shareholders hereinafter provided for, for receiving of subscriptions of persons willing to become subscribers to the said undertaking; 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, as they or a majority of them may think proper, of the time and places

at which such books will be opened and ready for receiving subscriptions as aforesaid, and the persons authorized by them to receive such subscriptions, and the Bank or Banks into which the ten per cent thereon is to be paid, and the time hereinafter limited for such payment, and every person whose name shall be written in such books as a subscriber to the said undertaking, and shall have paid, within ten days after the closing of the said books, into such incorporated Bank 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 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 also, and it is hereby enacted, that such ten per cent, shall not be withdrawn from such Bank or Banks or otherwise applied, except for the purposes of the said Railway Company, or upon the dissolution of the said Company from any cause whatsoever; and provided further, that if the total amount of subscriptions, within the thirty days limited as aforesaid, shall exceed the Capital Stock limited by this Act, then in such case the shares of each subscriber or subscribers above ten shares shall, as nearly as may be, be proportionally reduced by the said George Southwick, George Macbeth, John McLeod, Edwin Larwill, John Kolfage, Elthan Paul and Arthur Rankin, or a majority of them, until the total number of shares be brought down to forty thousand shares.

VII. So soon as Five Hundred Thousand Pounds of the Capital Stock of the said Company shall have been subscribed and the ten per cent, paid thereon as aforesaid, a General Meeting of the Shareholders shall be held at the Town of Amherstburgh or St. Thomas, or some intermediate place, for the purpose of putting this Act into effect, which Meeting shall be called by the seven persons named in the last section, or a majority of them, thirty days' public notice thereof being given by advertisement in one newspaper published in the Towns of Amherstburgh, St. Thomas, Chatham and Windsor, and in one or more of the daily, papers published in the City of Toronto, at which said General Meeting the Shareholders present having paid ten per cent, on their stock subscribed as aforesaid, shall, either in person or by proxy, choose nine Directors in the manner and qualified as hereinafter mentioned, who, together with the *ex officio* Directors, as provided for by the Railway Clauses Consolidation Act, shall hold office until the first Annual Meeting for the election of Directors and until others are elected in their stead.

VIII. On the second Tuesday in June in each year, at the Office of the said Company, there shall be chosen by the Shareholders, nine Directors in the manner hereinafter provided; and notice of such Annual Elections shall be published one month before the day of Election in one Newspaper published in the Town of Amherstburgh, and in one newspaper published in the Town of St. Thomas, and in one or more of the Daily Papers published in the City of Toronto; 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 take place among the Directors, by death, resignation or removal from the Province, such vacancy shall be filled for the remainder of the year, by a vote of the majority of the Directors, and the said nine Directors with the said *ex Officio* Directors, shall form a Board of Directors.

IX. The number of Directors which shall form a quorum for the transaction of business maybe regulated by the By-laws of the Company, and until such By-laws shall be passed, a majority of the Directors shall form such quorum: Provided that the Directors may employ one of their number as a paid Director.

X. No Shareholder shall be eligible to be elected a Director under this Act, unless he shall be a *bonâ fide* Stockholder in the said Company to the amount of at least Two Hundred and Fifty Pounds, and shall have paid up all calls in such Stock.

XI. No call of money from the Shareholders, shall exceed ten per cent, on their shares, nor shall more than one call be made within sixty days.

XII. Each shareholder in his own right, shall be entitled to a number of votes equal to the number of shares which he shall have in his own name two weeks prior to the time of voting.

XIII. The said Company shall have power to become parties to Promissory Notes and Bills of Exchange for sums not less than Twenty-five Pounds; and any such Promissory Note made or endorsed, and such Bill of Exchange drawn, accepted or endorsed by the President or Vice-President of the Company, and countersigned by the Secretary and Treasurer, and under the authority of a majority of a quorum of the Directors, shall be binding on the Company; and every such Promissory Note or Bill of Exchange, made, drawn, accepted or endorsed by the President or Vice-President of the said Company, and countersigned by the Secretary and Treasurer as such, shall be presumed to have been properly made, drawn, accepted or endorsed, as the ease may be, for the Company, until the contrary be shewn: 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, Vice-President, or Secretary and Treasurer of the Company so making, drawing, accepting or endorsing any such Promissory Note or Bill of Exchange, be thereby 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.

XIV. The guage of the said Railway shall not be broader or narrower than five feet six inches.

XV. The Amherstburgh and St. Thomas Railway Company may and are hereby empowered to amalgamate with any Railway Company east of St. Thomas, either to the Niagara River or to any Port on Lake Ontario; or to both of them.

XVI. In the construction of the said Amherstburgh and St Thomas Railway, the Directors thereof, and their Agents, shall not by the erection of any bridge or otherwise, impede the navigation of any River over which it may be necessary to construct the said Railway.

XVII. The said undertaking shall be commenced within two years and completed within five years alter the passing of this Act.

XVIII. This Act shall be a Public Act.

Schedule A.

Know all men by these presents that I \_\_\_\_\_ of \_\_\_\_\_ (insert the name of the wife also if she is to release her Dower or for any other reason to join in. the conveyance) do hereby in consideration of \_\_\_\_\_ paid to the (or as the case may be) by the Amherstburgh and St. Thomas Railway Company, the receipt whereof is hereby acknowledged, grant, bargain, sell, convey, and confirm unto the said Amherstburgh and St. Thomas Railway Company, their successors and assigns for ever, all that certain parcel or tract of land situate (describe the land) the same having been selected and laid out by the said Company, for the purpose of their Railway, to have and to hold the said land and premises together with every thing appertaining thereto, to the said Amherst- burgh and St. Thomas Railway Company, their successors and assigns for ever, (if there be dower to be released, add) and I, (name of wife) hereby release my dower on the premises.

Witness my (or our) hand (or hands) and seal (or seals) this \_\_\_\_\_ day of \_\_\_\_\_, one thousand eight hundred and \_\_\_\_\_.

A. B.[L. S.]  
(if the wife join) C. D. [L. S.]

Signed, sealed and delivered in  
presence of \_\_\_\_\_  
A. K.