

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

18 Victoria – Chapter 192

An Act to incorporate the Oakville and Arthur Railway Company. Assented to 30th May, 1855.

Whereas it is highly desirable that a Railway should be made from the village of Oakville on Lake Ontario, through the County of Halton; and the persons hereinafter mentioned and others have petitioned that a Company 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, as follows:

I. Samuel Jull, William Sherburne, John Williams, James McCreddie, Justus W. Williams, Thompson Smith, William Wilson, John A. Chisholm, Samuel Burman, John Wilson, James Young, William Barber, Robert K. Chisholm, James Reid, Charles Reynolds, Wm. T. Romain, William Clarke, Robert Young, Levi Wilson, James Arnot, Fred. A. Thompson, W. E. Hagenan, William Cantley, David Duff, George K. Chisholm, Patrick McAllister, John Potter, and John Doty, together with such other persons or Corporations as shall, under the provisions of this Act become Shareholders in the Joint Stock Company hereby created for the construction of the Railway aforesaid, shall be and are hereby ordained, constituted and declared to be a body corporate and politic in fact, by and under the name and style of the Oakville and Arthur 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," "Shareholder," "Actions for Indemnity, and Fines and Penalties and their Prosecution," "Working of the Railway" and "General Provisions," except in so far only as may be inconsistent with any express provisions hereinafter made, 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 and agents shall have full power under this Act to lay out, construct, make and finish a double or single Iron Railroad or way, at their own cost and charges, on or over all or any of the Country lying between the village of Oakville, in the County of Halton, to the village of Arthur, in the County of Wellington.

IV. Deeds and conveyances under this Act, for the 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.

V. The Capital Stock of the said Company shall be Two Hundred and Thirty Thousand Pounds, Currency, to be divided into Nine Thousand and Two Hundred 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: Provided always, that William Barber, Thompson Smith, James Young, Levi Wilson, James Reid, Wm. T. Romain, and George K. Chisholm, seven of the persons named in this Act, or a majority of them, shall cause books of subscription to be opened in the villages of Oakville, Milton, Stewart's Town, Erie and Arthur, and to be kept open 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 the 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 shall be opened and ready for receiving subscriptions as aforesaid, the persons authorized by them to receive such subscriptions, the Bank or Banks into which the ten per cent, thereon is to be paid, and the time hereinafter limited for such payment y. 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 one of the Banks so notified 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 the said Bank, 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 seven persons last herein named or a majority of them, until the total number of shares be brought down to Nine thousand and two hundred shares.

VI. So soon as Two Hundred and Thirty Thousand Pounds, 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 Oakville, for the purpose of putting this Act into effect, which Meeting shall be called by the seven persons last named in the preceding section, or a majority of them, thirty days' public notice thereof being given by advertisement in one newspaper published in the County of Halton, 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 seven 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.

VII. On the second Tuesday in June in each year, at the Town of Oakville, at the office of the said Company, there shall be chosen by the Shareholders seven Directors in the manner hereinafter provided; and notice of such Annual Elections shall be published one month before the day of election, in one or more of the papers published in the said County of Halton; 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 seven Directors with the said *ex officio* Directors, shall form a Board of Directors.

VIII. The number of Directors which shall form a quorum for the transaction of business may be 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.

IX. 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 on such stock.

X. 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.

XI. 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.

XII. 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, after the passing of this Act, shall be presumed to have been properly made, drawn, accepted or endorsed, as the case 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.

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

XIV. It shall and may be lawful for the said Company with the permission of the Governor in Council, to take and appropriate for the use of the said Railway, but not to alienate, so much of the wild land of the Crown, not theretofore granted or sold, lying on the route of the said Railway, as may be necessary for the said Railway; as also so much of the land covered with the waters of any river, stream, lake or canal, or of their respective beds, as may be found necessary for the malting and completing or more conveniently using the same, and thereon to erect such wharves, quays, inclined planes, bridges, cranes and other works as the Company shall seem meet: Provided always, that it shall not be lawful for the said Company to cause any obstruction in or to impede the free navigation of any river, stream or canal to or across which their Railway shall be carried; and if the said Railway shall be carried across any navigable river or canal, the said Company shall leave such openings between the piers of their bridge or viaduct over the same, and shall construct such draw-bridge or swing-bridge, if any such bridge be necessary, over the channel of the river or canal, and shall be subject to such regulations with regard to the opening of such draw-bridge or swing-bridge, if any such be constructed, for the passage of vessels and rafts, as the Governor in Council shall direct and make from time to time; and by any such Regulation the Governor in Council may impose penalties not exceeding Ten Pounds for any contravention thereof; nor shall it be lawful for the said Company to construct any wharf, bridge, pier or other work upon the public beach or bed of any navigable river or stream, or upon the lands covered with the waters thereof, until they shall have submitted the plan of such work to the Governor in Council, nor until the same shall have been approved by him in Council as aforesaid.

XV. Any Shareholder in the said Company, whether a British subject or alien, or a resident in Canada or elsewhere, shall have equal rights to hold Stock in the said Company, to vote on the same and to be eligible to office in the said Company.

XVI. The said Railway shall be commenced within two years, and completed within five years after the passing of this Act.

XVII. All provisions of law inconsistent with this Act are and shall be repealed from the passing thereof.

XVIII. The Interpretation Act shall apply to this Act, and this Act shall be deemed a Public Act.

Schedule A.

Know all men by these presents that I _____ (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 me (or as the case, may be) by the Oakville and Arthur Railway Company,

the receipt whereof is hereby acknowledged, grant, bargain, sell, convey and confirm unto the said Oakville and Arthur 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 Oakville and Arthur 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.]
C. D. [L. S.]

(if the wife join.)

Signed, sealed and delivered in presence of _____

A. K.