

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

18 Victoria – Chapter 195

**An Act to incorporate the Pott Perry and Whitchurch Junction Railway Company. Assented to 30th May, 1855.**

Whereas for the improvement of the country lying between Lake Scugog and the Ontario, Simcoe and Huron Union Railway, it is desirable that a Railway should be constructed from Port Perry on Lake Scogog to some point on the Ontario, Simcoe and Huron Union Railway, and the following named persons and others have petitioned for an Act of Incorporation 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, 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. John Cameron, James Colton, Joseph Gould, Thomas Paxton., Abner Hurd, Robert Hall Smith, Joseph Hartman, Joshua Wilson, John Bogart, Moses Wilson, William Saxton, Richard Land and Joseph C. Morrison, or any of them, together with such other persons, Corporations or Municipalities, as shall under the provisions of this Act become Shareholders in the Company hereinafter mentioned, 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 *Port Perry and Whitchurch Junction 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: Provided always that with respect to tolls on Passengers, the maximum to be charged in first class cars shall not exceed two pence, and in second class cars one penny and one half penny per mile.

III. The said Company and their servants and agents shall have full power and authority under this Act to lay out, construct, make and finish a double or single iron Railway or road, at their own cost and charges, on or over any point of the country lying between some point on the shore of Lake Scugog in the village of Port Perry, to some point on the line of the Ontario, Simcoe and Huron Union Railway, within the Township of Whitchurch, or within the Township of East Gwillimbury.

IV. All deeds and conveyances of lands to the said Company for the purposes of this Act shall and may, as far as the title and circumstances will admit, be in the form given in the Schedule to this Act marked A, or to that effect; and for the purpose of registering the same, all Registers in their respective Counties are hereby required to be furnished by and at the expense of the said Company, with Books containing copies of the form given in the said Schedule A, one to be printed on each page, leaving the necessary blanks to suit the separate cases of conveyance, and in the said Book to enter and register each such deed and conveyance, upon production thereof and payment of the fee hereinafter mentioned, and on proof of execution in like manner mutatis mutandis as is now made under the general registry laws in force in Upper Canada, but without any memorial: And the Register shall thereupon minute such entry and registry upon the deed, which minute shall have all the effect of a certificate of registry under the general registry laws of Upper Canada, which said enregistering shall be valid and effectual for all the purposes of any Act or Acts now in force in Upper Canada for the registry of deeds, in like manner as if made according to the provisions of the same, and for such entry, registry and minute thereof as aforesaid the said Register shall be entitled to demand and receive from the said Company the sum of two shillings and six pence, and no more.

V. The Capital Stock of the said Company shall not exceed in the whole the sum of Two Hundred and Fifty Thousand Pounds, to be divided into fifty thousand Shares of Five Pounds each, which amount shall be raised by the persons above named, or some of them, together with such other persons and Corporations as may become Shareholders in 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 connected with the Railway, and all the rest and remainder of such money shall be applied towards making, completing and maintaining the said Railway and other purposes of this Act, and to no other purposes whatever: Provided always, that John Cameron, James Cotten, Joseph Gould, Robert Hall Smith, Abner Hurd, Joseph Hartman, and Thomas Paxton, seven of the persons named in this Act, or a majority of them, shall cause books of subscription to be opened in the City of Toronto, and in the villages of New-Market and Port Perry 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 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 each of the counties of York and Ontario, as they or a majority of them may think proper, of the time and places at which such books shall lie 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 alter the closing of the. said books, into some one of such Banks as aforesaid or 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 John Cameron, James Cotton, Joseph Gould, Robert Hall Smith, Abner Hurd, Joseph Hartman and Thomas Paxton, or a majority of them, until the total number of shares be brought down to fifty thousand shares.

VI. When and so soon as one hundred and seventy-five thousand pounds of the said capital stock shall have been subscribed and ten per cent, paid thereon as aforesaid, it shall be lawful for the said seven persons last above named, or a majority of them, to call a meeting of the holders of such stock for the purpose of putting this Act into client, at such place and time as they shall think proper, giving at least fifteen days' public notice of the same in one or more Newspapers published in the several Counties through which the said Railway shall pass, at which said General Meeting and at the Annual General Meetings in the following sections mentioned, the Shareholders having paid ten per centum on their stock subscribed, present either in person or by proxy, shall elect seven Directors in the manner and qualified as hereinafter provided, which said seven Directors shall, with the *ex officio* Directors under the Railway Clauses Consolidation Act, constitute a Board of Directors, and The Directors so elected shall hold office until the first Monday in February, in the year following their appointment.

VII. On the said first Monday in February, next after the first Election of Directors, and on the first Monday in February in each year thereafter, at the office of the said Company, there shall be holden an Annual General Meeting of the Shareholders in the said Company, at which and by whom there shall be chosen and elected by the private Shareholders of the respective proportions hereinafter provided, seven Directors for the ensuing year in the manner and qualified as hereinafter provided; and public notice of such Annual General Meeting and Election shall be published one month before the day of Election, in one Newspaper in each County through which the said Road shall run; and all elections of 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 said private Shareholders shall determine the election by another or other votes until a choice is made; and if a vacancy shall at any time happen among the Directors, by death, resignation or removal from the Province, such vacancy shall be filled for the remainder of the year by a majority of the Directors; and the said seven Directors shall, together with the *ex officio* Directors, under the Railway Clauses Consolidation Act, form the Board of Directors.

VIII. Four Directors shall form a *Quorum* for the transaction of business: Provided always, that, the Directors may employ one of their number as a paid Director.

IX. The persons qualified to be elected Directors of the said Company under this Act, shall be shareholders, holding Stock to the amount of two hundred and fifty pounds, and who shall have paid up all calls on such Stock.

X. Each Shareholder shall be entitled to one vote for every share he, she or they may hold in the said Company: Provided that no party or parties shall be entitled to vote at the meetings of Shareholders who shall not have paid up all the calls due upon his, her or their Stock, or the Stock upon which such party claims to vote, at least one clear day before the hour appointed for any such meeting.

XI. No instalment or call on Shares of the Capital Stock of the said Company shall exceed ten per cent, on the amount of such Shares; and at least thirty days' notice of each call shall be given in such manner as the Directors shall appoint.

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 indorsed, or any such Bill of Exchange drawn, accepted or indorsed by the President of the Company or Vice-President, and countersigned by the Secretary and Treasurer, and under the authority of a majority of a *Quorum* of the Directors, shall be binding upon the said Company: And every such Promissory Note or Bill of Exchange so made, drawn, accepted or indorsed 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 indorsed, 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 the Secretary and Treasurer of the said Company so making, drawing, accepting or indorsing any such Bill of Exchange or Promissory Note, be thereby subjected individually to any liability why lever: Provided always, that nothing in this clause shall be construed to authorize the said Company to issue any Note or Bill payable to bearer, or any Promissory Note or Bill of Exchange intended to be circulated as money, or as the Notes or Bills of a Bank.

XIII. 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 line said Railway, but not to alienate, so much of the wild lands 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 making and completing or more conveniently using the same, and thereon to erect such wharves, quays, inclined planes, bridges, cranes and other works as to the Company shall seem meet.

XIV. 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.

XV. It shall be lawful for the said Company to enter into any agreement with any other Railway Company either in this Province or in any foreign State, for leasing the said Railroad or any part thereof, or the use thereof, at any time or times to such other Company, or for leasing or hiring out to such other Company, any Locomotives, Cars, Carriages, Tenders or other moveable property of the said Company, either altogether or for any time or times, occasion or occasions, or

for leasing or hiring from such other Company any Railway or part thereof, or the use thereof at any time or times, or for leasing or hiring from such other Company any Locomotives, Cars, Carriages, Tenders, or other moveable property, or for using either the whole or any part of the said Railway or of the moveable property of the said Company, or of the Railway and moveable property of such other Company, in common by the two Companies, or generally to make any agreement or agreements with any such other Company, touching the use by one or the other or by both Companies, of the Railway or moveable property of either, or of both, or any part thereof, or touching any service to be rendered by the one Company to the other, and the compensation therefor, and any such agreement shall be valid and binding, and shall be enforced by all Courts of Justice in this Province according to the terms and tenor thereof.

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

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

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

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

#### Schedule A.

##### Form of Conveyance.

Know all men by these presents, that I, A. B. of \_\_\_\_\_ of \_\_\_\_\_, (if the wife join in the conveyance, add) (and I, \_\_\_\_\_, wife of the said A. B.) do hereby in consideration of \_\_\_\_\_ paid to me (or us) by the *Port Perry and Whitchurch Junction Railway Company*, the receipt whereof is hereby acknowledged, grant, bargain, sell, convey and confirm unto the said *Port Perry and Whitchurch Junction Railway Company*, their successors and assigns for ever, all that certain parcel or tract of land situate (here, describe, the lands,) the same having been selected and laid out by the said Company for the purpose of their Railway; to have and hold the said land and premises, together with the hereditaments and appurtenances thereto, to the said Pori Perry and Whitchurch Junction, Railway Company, their successors and assigns forever.

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

Signed, sealed and delivered in presence of \_\_\_\_\_

A. B.