

Laws of Her Majesty's Province of United Canada, passed in the year 1856. Quebec: Stewart Derbyshire and George Desbarts, 1856.

20 Victoria – Chapter 112

An Act to provide for and encourage the construction of a Railway from Lake Huron to Quebec. Assented to 1st July, 1856.

Whereas it is of the utmost importance to the general interests of this Province, that a main line of Railway communication should be opened from Lake Huron to the Ottawa and thence to Quebec in the most direct line; And whereas the opening of such line from Arnprior or some place between Arnprior and Pembroke, on the River Ottawa, to such point on Lake Huron as may be found best adapted for the purpose, would secure for the said main line so large a proportion of the travel and traffic of the Great West as to ensure the success of the remainder of the line from the River Ottawa to Quebec, while it would also open for settlement a most valuable tract of country now unimproved and waste, and it is therefore expedient to grant special encouragement and aid to the construction of such Railway as aforesaid: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

I. The Presidents, Directors and Stockholders of the North Shore Railway Company, the Vaudreuil Railway Company, the Montreal and Bytown Railway Company, the Bytown and Pembroke Railway Company, and the Brockville and Ottawa Railway Company, shall be and are hereby constituted a body politic and corporate by the name of the Lake Huron, Ottawa and Quebec Junction Railway Company, each for the share hereinafter mentioned.

II. The Montreal and Bytown Railway Company, and the Vaudreuil Railway Company shall be entitled each to make half the Railway from opposite Grenville to the City of Ottawa, dividing such Railway between them; the Montreal and Bytown Railway Company taking the half nearest to Grenville; but with power to the Directors of the two Companies to agree that the Road shall be made and worked by the Companies in common, upon such terms and conditions as shall be made in such agreement.

III. Each of the said Companies shall have a share in the Company hereby constituted, and hereinafter also called the New Company, proportionate to the length of so much of its own Railway as forms part of the General Line from the Upper Ottawa to Quebec, but inasmuch as the distance from Montreal to Bytown, ought only to be reckoned once in establishing such proportion; therefore —

1. The Montreal and By town Railway Company, and the Vaudreuil Railway Company shall only be entitled together to a share in the New Company, proportionate to the whole distance from Montreal to the City of Ottawa; — and inasmuch as the last named Company has renounced any share in the Capital of the New Company founded on that part of its line between Vaudreuil to some point in the Township of Hawkes-bury opposite Grenville; therefore —

2. Dividing the whole Capital of the New Company into one thousand parts, the number of parts to which each Company will be entitled, shall be as follows, viz:

	Parts.
The North Shore Railway Company	441
The Montreal and Bytown Railway Company	240
The Vandreuil Railway Company	71
The Bytown and Pembroke Railway Company	107
The Brockville and Ottawa Railway Company	141
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IV. 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 last mentioned 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 accordingly apply to the said New Company and their Railway, except only in so far as they may be inconsistent with the express enactments hereof; and the expression "this Act" when used herein, shall be understood to include the provisions of the Railway Clauses Consolidation Act which are incorporated with this Act as aforesaid.

V. The Company hereby incorporated and their servants and agents shall have full power under this Act to lay out, construct and complete a Railway connection between the River Ottawa, at Amprior, or some place between Amprior and Pembroke, and the waters of Lake Huron at such point as may seem to the Company best adapted to attain the objects mentioned in the Preamble, with full power to pass over any portion of the Country between the points aforesaid, and to carry the said Railway through the Crown Lands lying between the same.

VI. The capital of the Company hereby incorporated shall be six thousand five hundred pounds sterling for each mile in length of their Railway from the Ottawa to Lake Huron, (with power to increase the same in the manner provided by the Railway Clauses Consolidation Act,) which said capital shall be held by the Companies aforesaid, in the proportions hereinbefore mentioned.

VII. The Presidents for the time being, of the several Companies aforesaid, and one Director of each to be chosen by the other Directors thereof, shall form the Board of Directors of the New Company, and shall elect a President and Vice-President from among themselves.

VIII. The said Directors shall have the powers of Directors under the Railway Clauses Consolidation Act, except that the calls for instalments on the capital shall be made upon the several Companies composing the said New Company, instead of being made upon the individual

shareholders: and upon such call being made, it shall be the duty of the Directors of each Company forthwith to pay the amount thereof to the Directors of the new Company if they have a sufficient sum in their hands, and if not, they shall forthwith make such call upon the shareholders of their Company as will enable them to pay such instalment to the New Company, and in default of their so making such call, they shall themselves be personally liable to pay the same.

IX. The Capital Stock of each of the said Companies shall be increased by such sum as shall be requisite to pay its share of the Capital of the New Company; and such additional Capital may be raised by each of the said Companies, either by the issue of new Shares or in any other way in which money may be raised by such. Company, under its Special Act and the clauses of the Railway Clauses Consolidation Act incorporated with such Special Act.

X. The Capital so to be raised by the issue of new shares shall be divided into shares of twenty-five pounds sterling each; and the Directors of any of the said Companies may, if they see fit, pass a By-law for converting the present shares of its stock into shares of twenty-five pounds sterling each, at par, and in that case each Stockholder shall be deemed to hold stock to the number of sterling shares which will be nearest to and not less than the value of his currency shares, paying the Company the difference, if any.

XI. Whenever the whole capital of the said Companies shall have been subscribed, including the amount required to pay the share of each of them in the New Company, and ten per cent of the whole shall have been paid up and deposited in some chartered Bank or Banks, for the purposes of this Act and of the Special Acts of the said Companies, and secured to be applied to such purposes only to the satisfaction of the Governor in Council, then and not before, the said Company may commence the said Railway and the works therewith connected, and shall go into full operation in all respects: Provided always, that the Survey for the said Railway may be commenced and made by the said New Company at any time after the passing of this Act.

XII. Any meeting of the Directors of the New Company, at which not less than five of such Directors shall be present, shall be competent to exercise and use all and every of the powers hereby vested in the said Directors.

XIII. It shall and may be lawful for the Directors of the New Company for the time being, to make, execute and deliver all such scrip and share, certificates, and all such bonds, debentures mortgages, or other securities as to the said Directors, for the time being, shall from time to time seem most expedient for raising the necessary capital or funds for the time being authorized to be raised by the said Company, or for raising any part thereof.

XIV. All bonds, debentures and other securities to be executed by the said company, may be payable to bearer, and all such bonds, debentures or other securities of the New Company, and all dividends and interest warrants thereon respectively, which shall purport to be payable to bearer, shall be assignable at law by delivery, and may be sued on and enforced by the respective bearers and owners thereof for the time being in their own names.

XV. Calls may be made by the Directors of the New Company for the time being as they shall see fit; Provided that no call to be made upon any Company holding stock in the New Company shall exceed the sum of ten pounds per centum upon the amount of stock in the New Company held by such Company, and that the amount of any such calls in any one year shall not exceed fifty pounds per centum upon the stock so held.

XVI. 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 register 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; the said Company are to pay the Registrar for so doing the sum of two shillings and sixpence, and no more.

XVII. And whereas it may be necessary for the said Company to possess gravel pits and lands containing deposits of gravel, as well as lands for stations and other purposes, at convenient places along their line of Railway for constructing and keeping in repair and for carrying on the business of the said Railway, and as such gravel pits or deposits cannot at all times be procured without buying the whole lot of land whereon such deposits may be found; It is therefore enacted, That it shall be lawful for the said Company, and they are hereby authorized, from time to time to purchase, have, hold, take, receive, use and enjoy, along the line of the said Railway or separated therefrom, and if separated therefrom then with the necessary right of way thereto, any lands, tenements and hereditaments which it shall please Her Majesty or any person or persons, or bodies politic, to give, grant, sell or convey unto, and to the use of or in trust for the said Company, their successors and assigns; and it shall and may be lawful for the said Company to establish stations or workshops on any of such lots or blocks of land, and from time to time, by deed of bargain and sale or otherwise, to grant, bargain, sell or convey any portions of such lands not necessary to be retained for gravel pits, sidings, branches, wood-yards, station-grounds or workshops, or for effectually repairing, maintaining and using to the greatest advantage the said Railway and other works connected therewith.

XVIII. And in order to aid and encourage the said Railway from the River Ottawa to Lake Huron; Be it enacted, That four millions of acres of the ungranted lands of the Crown in the neighborhood of the line of the said Railway, shall be and are hereby set apart for the purposes of this Act; and whenever any portion of the said Railway, not less than twenty-five miles in length, shall be actually completed in a good and permanent manner, equal at least to that in which the Great Western Railway is made, and with stations, rolling-stock, and other appurtenances sufficient for the proper working of the said Railway, then, upon the report of some skilled Engineer whom the Governor shall appoint for the purpose, and the approval of such report by the Governor in Council, and upon a similar Report (made and approved in like manner) that each of the Companies forming the said New Company has completed in like manner, with proper rolling-stock and appurtenances, a portion of its Railway forming part of the general line, and bearing at least as great a proportion to the whole length of such part as such Company's share in the stock of the New Company, bears to the whole of the said stock, — then there shall be granted to the

said Lake Huron, Ottawa and Quebec Junction Railway Company, by the Governor in Council, a portion of the said four millions of acres of land lying adjacent to the portion of the said Railway so completed, and bearing such proportion to the four millions of acres, as the length of the portion of the Railway of the said New Company so completed bears to that of the whole of the said Railway; and such grant shall be a free grant, and the Company shall have full power to alienate the lands so granted, and to deal with them in such manner as they may think proper; Provided always, that the grants to be so made to the said Company shall be of tracts of land fronting on the said Railway, such frontages to be of ten miles each, and alternating with tracts fronting thereon of the same width and quantity, to be reserved as Public Lands and dealt with as such.

XIX. Subject to the conditions above mentioned, the Directors of the New Company may pledge its interest in the said lands, as security for any sum they may find it necessary to raise for constructing the Railway and works; but any of the said lands which may be granted to the New Company, which may be clear of any such pledge, may be divided among the several Companies composing the New Company, in proportion to their respective shares in its Capital Stock, and the portion of such lands coming to each Company may be dealt with and disposed of as the Company shall by its By-laws direct.

XX. The said Railway from the Ottawa to Lake Huron shall be commenced and twenty miles thereof completed within three years and the whole line completed within seven years from the passing of this Act, otherwise the powers and privileges hereby granted shall cease; Provided always, that if within the three years aforesaid, the said Montreal and Bytown Railway Company shall not have raised their share of the funds for the purposes of the Company incorporated by this Act, and commenced their share of the said road from the Ottawa to Lake Huron, it shall in that case be lawful for the said Vaudreuil Railway Company to take and complete alone the said share, and the said Company shall then be entitled to the proportion of the said lands forming the share coming to the said Montreal and Bytown Railway Company, for that part of the road which lies between Hawkesbury and the City of Ottawa.

XXI. The Company hereby incorporated and the North Shore Railway Company, the Vaudreuil Railway Company, the Montreal and Bytown Railway Company, the Bytown and Pembroke Railway Company, and the Brockville and Ottawa Railway Company, may, if they deem it advisable, unite together as one Company, and to such Union and to all proceedings previous or subsequent thereto, the provisions of the Acts passed in the sixteenth year of Her Majesty's Reign and chaptered respectively thirty-nine and seventy-six, shall apply as fully as to the Railways and Railway Companies therein mentioned, and the Company formed by such Union shall have all the rights and be subject to all the obligations of the New Company hereby incorporated: Provided always, that the corporate name of the Company formed by such union shall be the same as that of the Company hereby incorporated.

XXII. All provisions of the several Special Acts incorporating the Companies mentioned in the next preceding section, or of any Act or Acts amending such Special Acts or of any other Act or Law, which shall be inconsistent with this Act are and shall be repealed from the passing thereof.

XXIII. The expression "the New Company" in this Act, shall always mean the Lake Huron, Ottawa and Quebec Junction Railway Company, hereby incorporated; the expression "the North Shore Railway Company" shall mean the Company incorporated by that name by the Act passed in the sixteenth year of Her Majesty's Reign, and chaptered one hundred; the expression "the Vaudreuil Railway Company" shall mean the Company incorporated by that name, by the Act passed in the sixteenth year of Her Majesty's Reign, and chaptered one hundred and thirty-four; the expression "the Montreal and Bytown Railway Company" shall mean the Company incorporated by that name, by the Act passed in the sixteenth year of Her Majesty's Reign and chaptered one hundred and three; the expression "the Bytown and Pembroke Railway Company" shall mean the Company incorporated by that name by the Act passed in the sixteenth year of Her Majesty's Reign and chaptered one hundred and thirty-seven; and the expression "the Brockville and Ottawa Rail-way Company" shall mean the Company incorporated, by that name by the Act passed in the sixteenth year of Her Majesty's Reign and chaptered one hundred and six.

XXIV. The Interpretation Act shall apply to this Act, nor shall enactment hereinafter to be made for the purpose of carrying out its several provisions according to their true intent, be deemed an infringement of the rights of any of the Companies aforesaid or of any person or party; 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 Lake Huron, Ottawa and Quebec Junction Railway Company, the receipt whereof is hereby acknowledged, grant, bargain, sell, convey and confirm unto the said Lake Huron, Ottawa and Quebec Junction 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 Lake Huron, Ottawa and Quebec Junction Railway Company, their successors and assigns for ever, [if there be dower to be released, add and I, (name the wife) hereby release my dower in 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.]

Signed, sealed and delivered in
the presence of O. K. _____ }