

effect, and declaring it to be necessary in the public interest that the ground shown on such plan, or any less quantity, should be acquired by the Company; and such certificate shall be annexed to one of the duplicates of the said plan and statement, and the other duplicate shall remain in the office of the Minister; (34 V. Can. c. 43, s. 2.)

Effect of such certificate and application of certain provisions of this Act to the land certified as necessary.

44. Upon the granting of such certificate as aforesaid, by the Minister of Public Works, and by virtue thereof, the Company shall have power to take the ground shown on the said plan as required for the purposes aforesaid, without the consent of the proprietors, and the Company, and all corporations or parties who could not otherwise convey the same to the Company, shall have, with respect to any such ground, all the powers granted by the *thirty-seventh section of this Act to the Company*, corporations, and parties who could not otherwise convey the same, with respect to lands which may be taken without the consent of the proprietors thereof; and the enactments and provisions of the said section, except such as refer to the map or plan and book of reference therein mentioned, or as limit the extent of land to be taken, shall apply and are hereby extended to the ground mentioned in the said certificate of the Minister of Public Works, and to all the proceedings connected with or consequent upon the acquiring or taking of such ground or any part thereof, with or without the consent of the proprietor; and if at any time thereafter the Company shall not require the whole or any portion of the land acquired under *this provision* for Railway purposes, then such land as is not so required shall be sold by auction after thirty days' notice thereof in any local newspaper; (34 V. Can. c. 43, s. 3.)

Proof of certificate.

45. Any such certificate as aforesaid, purporting to be signed by the Minister of Public Works, shall be received as authentic in all Courts of Law or Equity, without proof of such signature or other evidence unless its authenticity be called in question on behalf of the Crown; (34 V. Can. c. 43, s. 4.)

HIGHWAYS AND BRIDGES.

Railway not to be carried along any highway without leave from municipal authorities.

38. The Railway shall not be carried along an existing highway, but merely cross the same in the line of the Railway, unless leave has been obtained from the proper Municipal or local authority therefor; and no obstruction of such highway with the works shall be made without turning the highway so as to leave an open and good passage for carriages, and, on completion of the works, replacing the highway, under a penalty of not less than forty dollars for any contravention; but, in either case, the rail itself, provided it does not rise above nor sink below the surface of the road more than one inch, shall not be deemed an obstruction; (31 V. Can. c. 68, s. 10, sub. 1.)

Railway not to rise more than one inch above level of any highway when crossing the same.

2. No part of the Railway which crosses any highway without being carried over by a bridge, or under by a tunnel, shall rise above or sink below the level of the highway more than one inch; and the Railway may be carried across or above any highway within the limits aforesaid; (31 V. Can. c. 68, s. 10, sub. 2.)