

or any cost thereof or thereon incurred shall and may be paid by or to the one party or the other, as such Court or Judge shall think fit; and it shall be lawful for any such engineer, barrister, or other persons if directed so to do by such Court or Judge, to receive evidence
 5 on oath relating to the matter of any such enquiry, and to administer such oath.

4. It shall be lawful for the said Court of Queen's Bench and Common Pleas in Upper Canada, or any three of the Judges thereof, of whom the Chief Justice for Upper Canada shall be one; and it shall
 10 be lawful for the said Superior Courts in Lower Canada or any three of the Judges thereof, of whom the Chief Justice for Lower Canada shall be one, from time to time to make all such general rules and orders as to the forms of proceedings and process and all other matter and things touching the practice and otherwise in carrying this Act
 15 into execution before such Courts and Judges respectively, as they may think fit.

5. Upon the application of any party aggrieved by the order made upon any such motion or summons as aforesaid, it shall be lawful for the Court or Judge by whom such order was made to direct, if they
 20 think fit so to do, such motion or application on summons to be reheard before such Court or Judge, and upon such rehearing to rescind or vary such order.

6. No proceeding shall be taken for any violation or contravention of the above enactments, except in the manner herein provided, but
 25 nothing herein contained shall take away or diminish any rights, remedies or privileges of any person or company against any Railway or Canal, or Railway and Canal Company under the existing law.

7. Every such company as aforesaid, shall be liable for the loss of or for any injury done to any horses, cattle, or other animals, or to
 30 any articles, goods or things in the receiving, forwarding or delivering thereof, occasioned by the neglect or default of such company or its servants, notwithstanding any notice, condition or declaration made and given by such company contrary thereto, or in any wise limiting such liability; every such notice, condition, or declaration being
 35 hereby declared to be null and void: provided always, that nothing herein contained shall be construed to prevent the said companies from making such conditions with respect to the receiving, forwarding and delivering of any of the said animals, articles, goods or things, as shall be adjudged by the Court or Judge before whom any
 40 question relating thereto shall be tried to be just and reasonable; provided always, that no greater damages shall be recovered for the loss or for any injury done to any such animals, beyond the sums hereinafter mentioned, (that is to say) for any horse fifty pounds; for any neat cattle, per head fifteen pounds; for any sheep or pigs, per head whether live or dressed when dead, two pounds; unless the
 45 person sending or delivering the same to such company shall, at the time of such delivery, have declared them to be respectively of higher value than as above mentioned, in which case it shall be lawful for such company to demand and receive, by way of compensation for the increased risk and care thereby occasioned, a reasonable percentage upon the excess of the value so declared above the respective sums so limited as aforesaid, and which shall be paid in addition to the ordinary rate of charge, and such percentage or increased rate of charge shall be notified in the manner prescribed in the Statute
 50 Eleventh George Fourth, and First William Fourth, chapter fifty-

Courts may make rules or orders as to procuring in carrying out this Act.

Party aggrieved by such order may apply for rehearing.

Mode of proceeding restricted.

Company to be liable for injury or loss resulting from neglect.

Proviso; Company may make reasonable conditions as to receiving, forwarding &c.

Proviso; Damages for loss of animals limited. When animals are declared to be higher than the fixed value.

Proof of value in case of loss