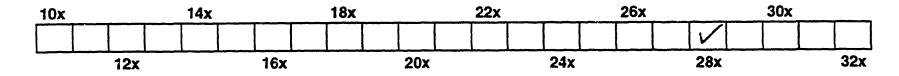
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No. 277. (PRIVATE BILL.)

1st Session, 4th Parliament, 16 Victoria, 1853.

BILL.

An Act to increase the Capital Stock of the Great Western Railroad Company, and to alter the Name of the said Company.

Received and read a first time, Tuesday, 8th March, 1853. Second reading, Wednesday, 9th March, 1853.

SIR ALLAN N. MACNAB.

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OIIEBEC:

1852-3.]

BILL. [No. 277.

An Act to increase the Capital Stock of the Great Western Railroad Company, and to alter the name of the said Company.

WHEREAS the Great Western Railroad Company have Preambleapplied for an increase of the Capital Stock of that Company, and it is expedient and necessary the same should be granted; Be it therefore enacted, &c.,

- 5 That the Great Western Railroad Company are hereby autho- Company may rized to increase their Capital Stock to an amount not exceeding Stock by Stock by five hundred thousand pounds of lawful money of this Province, £500,000. by creating an additional number of shares not exceeding twenty thousand of twenty-five pounds each.
- 10 II. And be it enacted, That the said additional shares shall be shares how to disposed of in such manner as the Board of Directors of the said bedisposed of. Great Western Railroad shall deem expedient.

III. And be it enacted, That the said Company shall have power Company may and authority to borrow money from time to time for making, com- borrow money borrow money for time to time for making, com- and pledge pleting, maintaining and working the said Railroad as they may their land, ec., think advisable, and to pledge the lands, tolls, revenues and other property of the Company for the due payment thereof.

IV. And be it enacted, That for and notwithstanding any thing Company may in any Act of the Parliament of this Province or of the late Province pensation for 0 of Upper Canada, incorporating the said Great Western Railroad land, dc. Company or amending the same, in case any dispute or disagreement shall arise between the said Company and the owner or occupier of any land or ground or privileges appertaining thereto which may have been taken by the said Company or which shall 5 hereafter be taken or required by the said Company for the uses or conveniences of their Road, as to the value of the land or ground so taken and the privileges appertaining and damages done thereto, it shall and may be lawful for the said Company and they are hereby empowered to tender to such owner or occupier of such land or ground and privileges as aforesaid, such sum or sums of money as compensation therefor, as the said Company may consider reasonable and just; and in case an arbitration or suit

taken by them.

Costs to fall on the opposite party if there be an arbitration or suit aftergreater sum be awarded to such party.

be had thereon by reason of such owner or occupier not accept. ing such sum or compensation so tendered, and no greater sum be awarded or allowed, to such owner or occupier, by the arbitrators appointed to settle or a jury empanelled to try the wards, and no same, than the amount of compensation so tendered, then the said a owner or occupier of such land, ground or privileges shall pay and discharge all costs and charges attending such arbitration or suit, and if any greater sum be awarded or allowed by such arbitrators or jury than the amount so tendered, then the Company shall pay all costs and charges attending such arbitration or suit 1 and also such additional sum that may be so awarded or allowed by such arbitrators or jury, for the land or ground damaged or privileges so taken by said Company.

After the tender and ny may take possession.

Warrant if resistance be made.

V. And be it enacted, That the said Company shall as soon as may be after making such tender (if the same be not accepted) payment into may be aner making such tender (in the same be not accepted) Court Compa- pay the amount or sum so tendered into the office of either of the Superior Courts of Common Law for Upper Canada, for the use of the owner or occupier of such land or ground or such party as may be entitled by Law to receive the same; and immediately upon the sum so tendered being deposited with the officer 2 of such Court, it shall and may be lawful for the said Company and they are hereby authorized and empowered forthwith to take possession of the said land or ground and to hold the same for the uses for which they may require the same ; and if any resistance or forcible opposition shall be made by any person to their so 2 doing, it shall and may be lawful for the Judge of any of Her Majesty's County Courts in Upper Canada, on proof to his satisfaction of such tender being made and the compensation money deposited as aforesaid, and that immediate possession of the land is required by said Company, to issue his Warrant to the Sheriff 30 of the County or United Counties in which the land in question is situate or to a Bailiff, as he may deem most suitable to put the said Company in possession, and to put down such resistance.

Claims on the land converted into claims on the compensation.

VI. And be it enacted, That whenever any sum or sums of money shall be agreed upon or awarded to be paid by the said 3 Company for any land taken by them which might be taken without the consent of the proprietor for the uses of their Railroad, the sum so agreed upon or awarded shall be the compensation to be paid by them for the said land, and shall stand in the stead of such lands; and any claim to or incumbrance upon the said lands, or any por-4 tion there of, shall, as against the Company, be converted into claim to the compensation, or to a like proportion thereof, and they shall be responsible accordingly whenever they shall have paid such compensation, or any part thereof, to a party not entitled to receive the same, saving always their recourse against such party: Pro-4 vided that if the Company shall have reason to fear any claims or Proviso: if incumbrances, or if any party to whom the compensation, or any fear incumpart thereof shall be payable, shall refuse to execute the proper brances. conveyance and warranty, or if the party entitled to claim the Payment into

- 5 same cannot be found, or be unknown to the Company, or if for any other reason the Company shall deem it advisable, it shall be lawful for them to pay such compensation into the office of either of the Superior Courts of Common Law for Upper Canada, with the interest thereon for six months, and to deliver to the Clerk of the
- 10 Court an authentic copy of the conveyance, or of the award or agreement if there be no conveyancce, and such award or agreement shall thereafter be deemed to be the title of the Company to the land therein mentioned; and a notice in such form and for such Notice to time as the said Court shall appoint, shall be inserted in some news- claimants.
- 15 paper, (if there be any) published in the County in which the land situate, which shall state that the title of the Company, that is, the conveyance, agreement or award, is made under this Act, and shall call upon all persons entitled to the land, or to any part thereof, or representing or being the husbands of any parties so entitled, to
- 20 file their claims to the compensation or any part thereof, and all such claims shall be received and adjudged upon by the Court, and the said proceedings shall for ever bar all claims to the lands or any part thereof, including dower, as well as all mortgages or incumbrances upon the same; and the Court shall make such Court to dis-
- 25 order for the distribution, payment or investment of the compen- tribute the compensation sation, and for the securing of the rights of all parties interested money. as to right and justice, and according to the provisions of this Act, and to law shall appertain, and the costs of the proceedings, or any part thereof, shall be paid by the Company, or by any other party
- 30 as the Court shall deem it equitable to order; and if such order of distribution as aforesaid be obtained in less than six months from the payment of the compensation into Court, the Court shall direct a proportionate part of the interest to be Interest. returned to the Company, and if from any error, fault or neglect
- 35 of the Company, it shall not be obtained until after the six months are expired, the Court shall order the Company to pay to the proper claimants the interest for such further period as may be right.

VII. And be it enacted, That from and after the passing of this The third or fifth arbitrator Act, in case the arbitrators who may or shall have been chosen, may be ap-40 and appointed by the said Company, and the owner or occupier pointed by a of land or ground taken by them for the uses of their Road, to tain cases. assess the value of such land and damages thereto, cannot agree at their first meeting upon a third or fifth arbitrator as the case may require, to act with them the said arbitrators for the purposes

45 for which they shall have been appointed, it shall and may be lawful for the Judge of the County Court of the County in which such

lands so taken or required are situate, to nominate and appoint a third of fifth arbitrator as the case may require, which arbitrator so named by such Judge shall have, possess and be vested with all the powers, authority and privileges of an arbitrator, and to the same extent as if he had been elected and chosen by such arbitrators 5 appointed by such Company and the proprietor, owner or occupier of such land.

Name of Company changed.
VIII. And be it enacted, That the style, title and name of Great Western Railroad Company, shall from the passing of this Act, be "The Great Western Railway Company:" Provided 15 always, and it is hereby declared and enacted, That neither the change made by this Act in the name of the said Company, nor anything else herein contained shall be construed to make the said Company a new Company or new Corporation, so as to cause an action, suit or proceeding to which the said Company may be a 20 Proviso.
Proviso.
Proviso.

Sections 4th 5th 6th and 7th incorporated with Act 16th Vic., cap. 44. IX. And be it enacted, That the fourth, fifth, sixth and seventh Sections of this Act shall apply to the Hamilton and Toronto 25 Railway Company, and shall be and the same are hereby incorporated with the Act passed in the present Session and initialed, "An Act to incorporate the Hamilton and Toronto Railway "Company," and shall form part thereof.

Public Act.

X. And be it enacted, That this Act shall be a Public Act.

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