

No. 277.

(PRIVATE BILL.)

1st Session, 4th Parliament, 16 Victoria, 1863.

BILL.

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

Received and read a first time, Tuesday, 8th
March, 1863.

Second reading, Wednesday, 9th March, 1863.

SIR ALLAN N. MACNAB.

QUEBEC:

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 applied 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., Preamble-

5 That the Great Western Railroad Company are hereby authorized to increase their Capital Stock to an amount not exceeding five hundred thousand pounds of lawful money of this Province, by creating an additional number of shares not exceeding twenty thousand of twenty-five pounds each. Company may increase its Stock by £500,000.

10 II. And be it enacted, That the said additional shares shall be disposed of in such manner as the Board of Directors of the said Great Western Railroad shall deem expedient. Shares how to be disposed of.

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

20 IV. And be it enacted, That for and notwithstanding any thing in any Act of the Parliament of this Province or of the late Province of Upper Canada, incorporating the said Great Western Railroad 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 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 Company may tender compensation for land, &c., taken by them.

Costs to fall on the opposite party if there be an arbitration or suit afterwards, and no greater sum be awarded to such party.

be had thereon by reason of such owner or occupier not accepting 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 same, than the amount of compensation so tendered, then the said 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 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 payment into Court Company may take possession.

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) 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 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 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 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.

Warrant if resistance be made.

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 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 portion thereof, 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-

vided that if the Company shall have reason to fear any claims or
 incumbrances, or if any party to whom the compensation, or any
 part thereof shall be payable, shall refuse to execute the proper
 conveyance and warranty, or if the party entitled to claim the
 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 conveyance, and such award or agree-
 ment 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
 time as the said Court shall appoint, shall be inserted in some news-
 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
 25 order for the distribution, payment or investment of the compen-
 sation, and for the securing of the rights of all parties interested
 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
 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 pro-
 per claimants the interest for such further period as may be right.

Proviso: if
 the Company
 fear incum-
 brances.
 Payment into
 Court.

Notice to
 claimants.

Court to dis-
 tribute the
 compensation
 money.

Interest.

VII. And be it enacted, That from and after the passing of this
 Act, in case the arbitrators who may or shall have been chosen,
 40 and appointed by the said Company, and the owner or occupier
 of land or ground taken by them for the uses of their Road, to
 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 law-
 ful for the Judge of the County Court of the County in which such

The third or
 fifth arbitrator
 may be ap-
 pointed by a
 Judge in cer-
 tain cases.

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 party to abate or cease, but the same may upon suggestion of the Proviso. passing of this Act, be continued by or against the said Company by the name hereby assigned to it.

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 intituled, "*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. 30