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3d Session, 3d Parliament, 13 & 14 Victoria, 1850.

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## BILL.

An Act to continue and extend the  
Montreal and Lachine Railroad, and  
to incorporate "*The St. Lawrence  
and Ottawa Grand Junction Rail-  
road Company.*"

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Received and Read a first time, Monday, 1st  
July, 1850.

Second Reading, Thursday, 4th July, 1850.

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MR. CARTIER.

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TORONTO: PRINTED BY LOVELL AND GIBSON.

## BILL.

An Act to continue and extend the Montreal and Lachine Railroad, and to incorporate "*The St. Lawrence and Ottawa Grand Junction Railroad Company*."

**WHEREAS** the continuation and extension of the existing Railroad from Montreal to Lachine, from some point in the parish of Lachine, in Lower Canada, to some point at or as near as conveniently may be to Prescott in Upper Canada, will contribute to the benefit of a populous and fertile country, and to the prosperity and advancement of both sections of this Province; And whereas, the Montreal and Lachine Railroad Company, incorporated by an Act passed in the ninth year of Her Majesty's Reign, intituled "*An Act to incorporate the Montreal and Lachine Railroad Company*," which Company is hereinafter spoken of as "the said Company," are desirous to make and maintain the said Railroad from some point in the Parish of Lachine, to or as near as may conveniently be to Prescott aforesaid, which said road is hereinafter spoken of as "the said Road:" Be it therefore enacted, &c.

And it is hereby enacted by the authority of the same, That it shall be lawful for the said Company, and the said Company shall be and are hereby authorised and empowered from and after the passing of this Act, by themselves, their deputies, agents, officers, workmen and servants to continue and extend their existing Railroad, with one or more sets of rails or tracks, and to be worked by locomotive engines, or on the atmospheric principle; or in such other mode as the said Company may deem expedient, from any convenient place in the Parish of Lachine, to some place at or as near as conveniently may be to Prescott; in Upper Canada, either in the direction of St. Ann's, Vaudreuil, Rigaud and towards Hawkesbury, and thence to some place at or as near as conveniently may be to Prescott, or in the direction of Saint Eustache, Saint Andrews, Grenville, and thence to some place at or as near as conveniently may be to Prescott aforesaid, in whatever line may by the said Company be found most convenient, and to make and construct all such embankments, bridges and other works, either temporary or permanent, as the said Company shall think necessary or convenient for the making and constructing of the said Railroad across or over the River Ottawa, or across or

Preamble.

Company  
empowered to  
extend their  
Road.

over any other rivers, canals, brooks, streams or other waters, or across or over any hills, or valleys, and to erect and construct such buildings, engines, machinery, apparatus and other works, either temporary or permanent for the purposes of this Act, as the said Company shall think 5 expedient; and to erect and construct such wharves, warehouses, stores and other buildings, at either termination thereof, and at such other places along the line of the said Railroad, as the said Company shall think expedient; and to build, purchase, hold and use one or more 10 steamboats or other vessels to ply on the waters of the Rivers Saint Lawrence or Ottawa, or either, as the said Company may think it expedient; and the said Company shall have power and authority to purchase and hold lands, (which word shall throughout this Act, be understood to include the land and all that is upon or below 15 the surface thereof, and all the real rights and appurtenances thereunto belonging, for them and their successors and assigns for the use of the said Railroad and works, without Her Majesty's *Lettres d'Amortissement*, 20 (saving nevertheless to any Seigneur or Seigniors within whose *censive* any such lands, tenements and hereditaments so purchased may be situate, his and their several and respective *droits d'indemnité* and all other Seigniorial rights whatever,) and also to alienate and convey any of 25 the said lands purchased for the purposes aforesaid; and any person or persons, bodies politic or corporate or communities may give, grant, bargain, sell or convey to the said Company any lands for the purposes aforesaid; and the same may re-purchase of the said Company 30 without *Lettres d'Amortissement*.

Power to  
make survey,  
&c.

II. And be it enacted, That for the purposes aforesaid, the said Company, their deputies, agents, officers, workmen and servants, are hereby authorised and empowered to enter into and upon any lands and grounds of the 35 Queen's Most Excellent Majesty, not hereinafter excepted, or of any person or persons, bodies politic or corporate, or collegiate or communities or parties whatsoever, and to survey and take levels of the same or any part thereof, and to set out and ascertain such parts thereof 40 as they shall think necessary and proper for making the said intended Railroad, and other works hereby authorised, and all such works, matters and conveniences as they shall think proper and necessary for making, effecting, preserving, improving, completing, maintaining and using 45 the said intended Railroad and other works, and also to bore, dig, cut, trench, get, remove, take, carry away and lay earth, clay, stone, soil, rubbish, trees, roots of trees, beds of gravel or sand, or any other matters or things which may be dug or got in making the said intended 50 Railroad or other works, on or out of the lands or grounds of any person or persons adjoining or lying convenient thereto, and which may be proper, requisite or necessary

For making or repairing the said intended Railroad or the  
 works incidental or relative thereto, or which may hin-  
 der, prevent or obstruct the making, using or completing,  
 extending or maintaining the same respectively, according  
 5 to the intent and purpose of this Act; and to make, build,  
 erect and set up, in or upon the said intended Railroad,  
 or upon their lands adjoining or near the same respec-  
 tively, such and so many houses, warehouses, toll-houses,  
 watch-houses, telegraphs or other signals, weighing beams,  
 10 cranes, fire engines, steam engines, or other engines,  
 either stationary or locomotive, inclined planes, machines  
 and other works, ways, roads and conveniencies, as and  
 when the said Company of Proprietors shall think requi-  
 site and convenient for the purposes of the said Railroad  
 15 and works; and also from time to time to alter, repair,  
 divert, widen, enlarge and extend the same, and also to  
 make, maintain, repair, and alter any fences or passages  
 over, under or through the said intended Railroad, and  
 to turn and change the course of any river not being a  
 20 navigable river, or of any brooks, streams or other waters,  
 the courses of which the said Company may find it  
 necessary to turn and change; and to construct, erect,  
 make and do all other matters and things which they shall  
 think convenient and necessary for the making, effecting,  
 25 extending, preserving, improving, completing and easy  
 using of the said intended Railroad and other works, in  
 pursuance of and according to the true intent and mean-  
 ing of this Act; they the said Company, doing as little  
 damage as may be in the execution of the several powers  
 30 to them hereby granted, and making satisfaction in man-  
 ner hereinafter mentioned to the owners or proprietors of,  
 or the persons interested in the lands, tenements or heredi-  
 taments, water, water courses, brooks or rivers respec-  
 tively, which shall be taken, used, removed, prejudiced,  
 35 or of which the course shall be altered, or for all dama-  
 ges to be by them sustained in or by the execution of all  
 or any of the powers given by this Act; and this Act  
 shall be sufficient to indemnify the said Company and  
 their deputies, agents, officers, workmen and servants,  
 40 and all other persons whatsoever for what they or any of  
 them, shall do by virtue of the powers hereby granted,  
 subject nevertheless to such provisions and restrictions  
 as are hereinafter mentioned.

Satisfaction to  
be made for  
damages.

III. And be it enacted, That where the said Railroad  
 45 shall cross any public highway, the ledge or flange of such  
 Railway for the purpose of guiding the wheels of the cari-  
 ages, shall not rise above the level of such road more  
 than one inch, nor shall the rail or rails of the said Road  
 be placed below the level of such road more than one  
 inch; and that where any bridge shall be erected or made  
 50 by the said Company for the purpose of carrying the said  
 Railroad over or across any public highway, the space of  
 the arch of any such bridge shall be formed, and shall at

Precautions  
where the  
Road shall  
cross a high-  
way.

all times be and be continued of such breadth as to leave a clear open space under every such arch of not less than ten feet, and of a height from the surface of each public highway in the centre of such arch, of not less than twelve feet; and that at all places where it may be necessary to erect, build, or make any bridge or bridges for carrying any public carriage road or highway over the said Railroad, the ascent of every such bridge for the purpose of every such road, shall not be more than one foot in twenty feet, and a good and sufficient fence shall be made on each side of every such bridge, which fence shall not be less than four feet above the level of such bridge; Provided always, that no land shall be taken by the said Company from any public highway, but their right shall be limited to the laying down, across, or along the same, the rails and other contrivances forming part of the said Railroad, subject to the limitation mentioned in the section, or any other part of this Act.

*Proviso.*

*Further precautions.*

IV. And be it enacted, That the said Company shall at each and every place where the said Railroad shall cross any highway on a level, erect and keep up a sign-board, stretching across the highway at such a height as to leave sixteen feet from the highway to the lower edge of the sign-board, and having the words, "Railway Crossing," painted on each side of such sign-board in both the French and English languages, and in letters not less than six inches in length: and for each and every neglect to comply with this requirement, the said Company shall incur a penalty of five pounds currency.

*Quantity of Land which may be taken.*

V. And be it enacted, That the said lands or grounds which may be taken without the consent of the proprietor thereof, by the said Company, for the purposes of the present Act as hereinafter provided, shall not exceed thirty yards in breadth, except in such places where the said intended Railroad shall be raised more than five feet higher or cut more than five feet deeper than the present surface of the land; and in such places where it shall be judged necessary to have the offsets for the locomotives or other engines and carriages using the said intended Railroad to lie or pass each other (and not above one hundred yards in breadth in any such place, or where any houses, warehouses, wharves, toll-houses, watch-houses, weighing-beams, cranes, fixed engines or inclined planes may be erected, or goods, wares, merchandize be delivered), and then not more than two hundred yards in length, by one hundred and fifty yards in breadth.

*Taking beach lots, crossing rivers, &c.*

VI. And be it enacted, That it shall be lawful for the said Company to take, use, occupy and hold, but not to alienate, so much of the public beach or beach road of the River Ottawa and of the River Saint Lawrence, or of the land covered with the waters of either of those rivers,

as may be required for the said Railroad and other works which they are hereby authorized to construct; Provided always, that the said Company shall not cause any obstruction in, or impede the free navigation of the said  
 5 River Saint Lawrence or of the said River Ottawa, or of any other navigable river to or across which their Railroad shall be carried, and whenever their Railroad shall be carried across any navigable river, the  
 10 said Company shall adopt such means by the elevation of the bridge, or by the construction of drawbridges or swing bridges, to ensure the passage of rafts and vessels, as the Governor in Council, shall direct, upon a plan of the same being submitted and approved by the Governor in Council; nor shall the said Company construct any  
 15 wharf, bridge, pier or other work upon the public beach or bed of any navigable river, or upon land covered by the waters thereof, until they shall have submitted the plan of such work to the Governor of this Province in Council, nor until the same shall have been approved by  
 20 him in Council as aforesaid; and it shall be lawful for Bridges. the said Company to employ and use any bridge or bridges which they may construct as a toll-bridge or toll-bridges, and from time to time, and at all times, to ask, demand, receive, recover, and take to and for the proper  
 25 use, benefit and behoof of the said Company, their successors and assigns, a toll from every person passing on any such bridge or bridges, and on all carriages, animals, goods and property of any kind that may pass over any such bridge, such tolls to be imposed, regulated, recovered  
 30 and received as hereinafter provided; And it shall also be lawful for the said Company to sell and alienate, or to lease such toll-bridges, or any of them, or the right to levy such tolls on the said toll-bridges, or any of them, to any party or parties whatsoever.

35 VII. And be it enacted, That it shall and may be lawful for all bodies politic, corporate or collegiate, corporations aggregate or sole, communities, *grevés de substitution*, guardians, curators, executors, administrators and all other trustees or persons whatsoever, not only for and  
 40 on behalf of themselves, their heirs and successors, but also for and on behalf of those whom they represent, whether infants, issue unborn, lunatics, idiots, *femes covert*, or other persons or parties who are or shall be seized, possessed of, or interested in any lands or grounds which  
 45 the said Company may require for the purposes of this Act, to contract for, sell and convey unto the said Company all or any part of such lands or grounds so required by the said Company for the purposes of this Act; and that all contracts, agreements, sales, conveyances and  
 50 assurances so to be made, shall be valid and effectual in law to all intents and purposes whatsoever; any law, statute, usage or custom, to the contrary thereof in any wise notwithstanding and that all bodies politic, corporate

Parties empowered to convey to the Company.

or collegiate, or communities and all persons whatsoever, so conveying as aforesaid, are hereby indemnified for what he, she, or they, or any of them, shall respectively do by virtue of or in pursuance of this Act.

Compensation to be an annual rent in certain cases.

VIII. Provided always, and be it enacted, That any 5 body politic, community, corporation, or other person or persons whomsoever, who cannot in common course of law sell or alienate any lands or grounds so required by the said Company for the purposes of this Act, shall agree upon a fixed annual rent as an equivalent, and not upon a 10 principal sum, to be paid for the lands or grounds so required by the said Company for the purposes of this Act; and in case the amount of such rent shall not be fixed by voluntary agreement or compromise, it shall be fixed in the manner hereinafter prescribed, and all proceedings 15 shall in that case be regulated as hereinafter prescribed; and for the payment of the said annual rent, and every other annual rent agreed upon or ascertained and to be paid by the said Company for the purchase of any lands, or for any part of the purchase money of any land which 20 the vendor shall agree to leave in the hands of the said Company, the said Railroad and the tolls to be levied and collected thereon shall be, and are hereby made liable and chargeable, in preference to all other claims or demands thereon whatsoever, the deed creating such 25 charge and liability being duly registered.

Certain agreements made binding.

IX. Provided always, and be it enacted, That whenever there shall be more than one party proprietor of any land or property *par indivis*, any agreement made in faith between the said Company and any party or parties pro- 30 prietor, or being together proprietors of one-third or more of such land or property, as to the amount of compensation for the same or for any damages thereto, shall be binding as between the remaining proprietor or proprietors *par indivis* and the Company, and the proprietor or 35 proprietors who have so agreed may deliver possession of such land or property to the Company, or empower them to enter upon the same, as the case may be.

Company to settle with the owners of property.

X. And be it enacted, That it shall be lawful for the said Company to apply to the several owners of, or parties 40 hereby empowered to convey the lands through which such Railroad is intended to be carried, or which may suffer damage from the making of the said Railroad; or the exercise of any of the powers granted to the said Company by this Act; and to agree with such owners or 45 parties respectively, touching the compensation to be paid to them by the said Company for the purchase thereof, and for the respective damages, and to make such agreements and contracts with the said parties touching the said lands or the compensation to be paid for the same, 50 or for the damages, or as to the mode in which the said



compensation shall be ascertained as to such parties and the said Company shall seem expedient, and in case of disagreement between the said Company and the owners or parties or any of them, then all questions which shall arise between them and the said Company shall be settled as follows, that is to say:—

The Company shall serve a notice upon the opposite party, containing—a description of the lands to be taken, or of the powers intended to be exercised with regard to any lands (describing them)—a declaration that the Company are ready to pay some certain sum (or rent as the case may be) as compensation for such lands or for the damages arising from the exercise of such powers—and the name of a person whom they appoint as their Arbitrator if their offer be not accepted, and such notice shall be accompanied by the certificate of a sworn Surveyor disinterested in the matter and not being the Arbitrator named in the notice, that the land (if the notice relate to the taking of land) is required for the said Railroad and works, that he knows such land or the amount of damages likely to arise from the exercise of such powers, and that the sum so offered is in his opinion a fair compensation for such land and for such damages as aforesaid; and in any case wherein the said Company shall have given and served the notice aforesaid, it shall be lawful for the said Company to desist from such notice and afterwards give new notice with regard to the same or other lands, to the same or any other party, but the Company shall in any such case be liable to the party first notified for all damages or costs by him incurred in consequence of such first notice and desistment; and no change of ownership after the Company shall have given and served the notice aforesaid, shall affect the proceedings, but the party notified shall be still deemed the owner except as to the payment of the sum awarded.

Arbitration if the Company and party do not agree.

If the opposite party be absent from the District in which the land is situate (if the notice relate to the taking of land) or from the District in which the power sought to be exercised, is to be exercised, or be unknown to the said Company, then upon application either to any Justice of the Court of Queen's Bench in Upper Canada or of the Superior Court in Lower Canada having jurisdiction in such District, or in Upper Canada to the Judge of the District Court of such District, or in Lower Canada to any Circuit Judge, accompanied by such certificate as aforesaid and by an affidavit of some officer of the Company that such opposite party is so absent, or that after diligent inquiry the party on whom the notice ought to be served, cannot be ascertained, such Justice or Judge shall order a notice as aforesaid (but without the certificate) to be inserted during one calendar month in the *Canada Gazette* and in some other newspaper to be named by such Justice or Judge.

Arbitration, &c.

Arbitration. If within ten days after the service of such notice or within one month after the first publication thereof as aforesaid, the opposite party shall not notify to the Company that he accepts the sum offered by the said Company, or notify to them the name of a person whom he appoints as Arbitrator, then any such Justice or Judge may, on the application of the said Company, appoint some sworn Surveyor to be sole Arbitrator for determining the compensation to be paid by the Company. 5

Arbitration. If the opposite party shall within the time aforesaid notify to the said Company the name of the person such party shall appoint as Arbitrator, then the said two Arbitrators shall jointly appoint a third, or if they cannot agree upon a third, then any such Justice or Judge shall, on the application of the said party or of the Company, (previous notice of at least one clear day having been given to the Arbitrator of the other party,) appoint a third Arbitrator. 10 15

Arbitration. The said Arbitrators or sole Arbitrator being sworn before a Justice of the Peace, who is hereby empowered and required to administer such oath faithfully and impartially to perform the duties of their office, shall proceed to ascertain the compensation to be paid by the Company, in such way as they or he or a majority of them shall deem best, and the award of such Arbitrators or of any two of them or of the sole Arbitrator shall be final and conclusive: Provided that no such award shall be made or any official act done by such majority, except at a meeting held at a time and place of which the other Arbitrator shall have had at least one clear day's notice, or to which some meeting at which the third Arbitrator was present shall have been adjourned; but no notice of the Company or opposite party shall be necessary, but they shall be held sufficiently notified through the Arbitrator they shall have appointed or whose appointment they shall have required. 20 25 30 35

Arbitration. Provided always, that the award given by any sole Arbitrator shall never be for a less sum than that offered by the Company as aforesaid, and if in any case where three Arbitrators shall have been appointed, the sum awarded be not greater than that offered by the Company, the costs of the arbitration shall be borne by the opposite party and deducted from the compensation, otherwise they shall be borne by the Company; and in either case they may, if not agreed upon, be taxed by any such Justice or Judge. 40 45

Arbitration. The Arbitrators or a majority of them or the sole Arbitrator, may examine on oath or solemn affirmation the parties or such witnesses as shall voluntarily appear before him or them, and may administer such oath or affirmation; 50

and any wilfully false statement made by any witness, under such oath or affirmation, shall be deemed wilful and corrupt perjury and punishable accordingly.

The Justice or Judge by whom any third Arbitrator or Arbitration.  
 5 sole Arbitrator shall be appointed, shall at the same time fix a day on or before which the award shall be made, and if the same be not made on or before such a day or some other day to which the time for making it shall have been prolonged, either by the consent of the parties or  
 10 by the order of any such Justice or Judge, (as it may be for reasonable cause shewn, on the application of such sole Arbitrator or one of the Arbitrators, after one clear day's notice to the others,) then the sum offered by the Company as aforesaid shall be the compensation to be  
 15 paid by them.

If the Arbitrator appointed by the said Company or by Arbitration.  
 the opposite party, or any third Arbitrator, whether appointed by the two Arbitrators or by any such Justice or Judge, shall die, be or become disqualified or unable  
 20 to act, then on proof thereof to the satisfaction of any such Justice or Judge, such Justice or Judge shall authorize the Company, or the opposite party, or the two Arbitrators to appoint another person in the place of him who shall be so deceased, disqualified or unable to act,  
 25 or shall himself appoint another person as third Arbitrator as the case may require, but no recommencement or repetition of any prior proceedings shall be necessary.

It shall be no disqualification to the Surveyor or other Arbitration.  
 person offered or appointed as Valuator or Arbitrator,  
 30 that he be employed by the Company or by the opposite party, or that he have previously expressed an opinion as to the amount of compensation, or that he be related or of kin to any member of the Company, provided he be not himself personally interested in the amount of such  
 35 compensation; and no cause of disqualification shall be urged against any Arbitrator appointed by any such Justice or Judge after his appointment, but shall be made before the same, and its validity or invalidity summarily determined by such Justice or Judge, and no cause of  
 40 disqualification shall be urged against any Arbitrator, appointed by the Company or by the opposite party after the appointment of a third Arbitrator; and the validity or invalidity of any cause of disqualification urged against any such Arbitrator before the appointment of a third Arbitra-  
 45 tor shall be summarily determined by any such Justice or Judge on the application of either party, after one clear day's notice to the other, and if such cause be determined to be valid the appointment shall be null, and the party offering the person so adjudged to be disqualified  
 50 shall be held to have appointed no Arbitrator.

Arbitration.

No award made as aforesaid shall be invalidated by any want of form or other technical objection, if the requirements of this Act shall have been complied with, and if the award shall state clearly the sum awarded and the lands or other property, right or thing for which such sum is to be the compensation; nor shall it be necessary that the party or parties to whom the sum is to be paid be named in the award. 5

Possession may be taken on payment or tender.

XI. And be it enacted, That upon payment or legal tender of the compensation or annual rent so awarded or determined or agreed upon by the parties themselves as aforesaid, to the party entitled to receive the same, or upon the deposit of the amount of such compensation in the manner hereinafter mentioned, the award shall vest in the said Company the power forthwith to take possession of the lands or to exercise the right or to do the thing for which such compensation or annual rent shall have been awarded; and if any resistance or forcible opposition shall be made by any person or party to their so doing, any such Justice or Judge may, on proof to his satisfaction that the requirements of this Act have been complied with, issue his warrant to any sheriff or to any bailiff or other proper person, to put the said Company in possession, and to put down such resistance or opposition, which such sheriff or bailiff or other proper person, taking with him sufficient assistance, shall accordingly do; and such warrant shall also be issued by any such Justice or Judge (and shall be addressed and executed as aforesaid) on the application of the Company before any award or agreement shall have been made, upon the affidavit of an Engineer in the employ of the said Company, that the immediate possession of any land, or the power immediately to take any materials or to do anything mentioned in the notice to the party interested, is necessary to the carrying on of the said works of the said Company, and upon the said Company giving security to the satisfaction of such Justice or Judge, in such sum as he shall direct (not being less than twice the sum mentioned in the certificate of the Sworn Surveyor,) to pay or deposit the amount to be awarded as compensation in such case, with interest from the date of such warrant, and all costs, within thirty days after the award shall have been made. 15 20 25 30 35 40

Case of incumbrance or defect of title provided for.

XII. And be it enacted, That the compensation awarded as aforesaid, or agreed upon by the said Company, and any party who might, under this Act, validly convey the lands, or then in lawful possession thereof as proprietor, for any lands which might be lawfully taken under this Act, without the consent of the proprietor, shall stand in the stead of such land; and any claim to, or mortgage, hypothec or incumbrance upon the said land or any portion thereof, shall, as against the said 45 50

Company, be converted into a claim to the said 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  
5 entitled to receive the same, saving always their recourse against such party: Provided always, that if the lands so taken be situate in Lower Canada, and if the said Company shall have reason to fear any such claims, mortgages, hypothecs or incumbrances, or if any party to whom the  
10 compensation or annual rent or any part thereof shall be payable, shall refuse to execute the proper conveyance and guarantee, or if the party entitled to claim the 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 law-  
15 ful for them to pay such compensation into the hands of the Prothonotary of the Superior Court for the District in which such land is situate, with the interest thereon for six months, and to deliver to the said Prothonotary an authentic copy of the conveyance, or of the award if  
20 there be no conveyance; and such award shall thereafter be deemed to be the title of the said Company to the land therein mentioned, and proceedings shall thereupon be had for the confirmation of the title of the said Company, in like manner as in other cases of confirmation of  
25 title, except that, in addition to the usual contents of the notice, the Prothonotary shall state that the title of the Company, (that is the conveyance or award,) is under this Act, and shall call upon all persons entitled to, or to any part of the lands, or representing, or being the husbands  
30 of any parties so entitled, to file their oppositions for their claims to the compensation, or any part thereof, and all such oppositions shall be received and adjudged upon by the Court, and the judgment of confirmation shall forever bar all claims to the lands or any part thereof, (including dower not yet open,) as well as all mortgages, hypothecs or incumbrances upon the same; and the  
35 Court shall make such order for the distribution, payment or investment of the compensation and for the security of the rights of all parties interested, as to right and justice according to the provisions of this Act and to  
40 law, shall appertain; and the costs of the said proceedings or any part thereof, shall be paid by the said Company or by any other party, as the Court shall deem it equitable to order; and if judgment of confirmation be  
45 obtained in less than six months from the payment of the compensation to the Prothonotary, the Court shall direct a proportionate part of the interest to be returned to the Company, and if from any error, fault or neglect of the Company, it shall not be obtained until after the six months  
50 are expired, the Court shall order the Company to pay the Prothonotary the interest for such further period as may be right.

Additional  
capital may  
be raised.

12 Vict. c. 177.

XIII. And be it enacted, That in order to enable the said Company to make the said Railroad and to carry on and complete the said undertaking, it shall be lawful for the said Company, over and above, and in addition to the sum of seventy-five thousand pounds currency, which the said Company was authorized to raise by the said Act passed in the ninth year of Her Majesty's Reign, incorporating the said Company, and over and above and in addition to the sum of forty thousand pounds currency, which the said Company is authorized to raise by an Act passed in the twelfth year of Her Majesty's Reign and intituled, "*An Act to further amend the Act incorporating the Montreal and Lachine Railroad Company, and for other purposes,*" to raise amongst themselves, or by the admission of new subscribers, or in both those ways, a further sum, not exceeding seven hundred and fifty thousand pounds currency, to be divided into sixty thousand shares of twelve pounds ten shillings currency each, and if it be determined to raise the said last mentioned sum of money, or any part thereof, by the admission of new subscribers, it shall be lawful for the Directors of the said Company to cause a book or books of subscription to be opened in such places as they may think fit, and every person who, or whose attorney, shall write his or her signature in any such book, shall thereby, (subject to the provisions hereinafter contained,) become a proprietor in the said Company to the extent of the number of shares for which he shall so subscribe; and no subscriber for, or holder of any of the shares to be so issued, shall be in any manner whatsoever, liable for or charged with the payment of any debt due by, or demand against the said Company, beyond the amount of his, her or their share in the additional capital of the said Company, not paid up by him, her or them respectively, and the shares to be subscribed for and issued under the present Act, shall be sold and transferred in the manner provided by the said Act incorporating the said Company, with respect to the shares subscribed for, and issued under that Act, and all the provisions of the said last mentioned Act shall be applicable to the shares to be subscribed for and issued under the provisions of the present Act, excepting in so far as the provisions of the said Act incorporating the said Company are inconsistent with the provisions of the present Act.

How sums  
subscribed  
may be called  
in, &c.

XIV. And be it enacted, That as soon as the said sum of seven hundred and fifty thousand pounds currency, or any part thereof, shall have been subscribed for as aforesaid, it shall be lawful for the Directors of the said Company, from time to time, to call in and require the payment of the sums so subscribed for, as the same may be required for the use of the said Company: Provided, however, that no call shall exceed the one tenth part of

the whole of each share, and that no calls be made payable, but at a distance of at least one calendar month from each other, and the owner or owners of the shares to be so issued, shall pay any call or calls that may be so made, 5 upon his, her or their shares, to such bank or person and persons and at such time and place as shall be appointed by the Directors of the said Company, of which three weeks notice shall be given in the *Canada Gazette*, or in any other manner that may be determined by the Directors of the said Company, and any call or calls made by 10 the Directors of the said Company, and not paid at the time appointed for the payment thereof, shall bear interest in favor of the said Company, at the rate of six per centum per annum, from the time the same shall be made 15 payable, until paid, and the holder of the shares in respect of which such default shall be made, shall thereby forfeit in favor of the said Company a sum equal to five per centum on the amount of the calls so not paid at the time appointed for the payment thereof, and it shall be 20 lawful for the said Company to sue for and recover the said calls with interest as aforesaid and the penalties aforesaid, together with costs of suit in any Court having jurisdiction in civil cases to the amount sued for; and in any such action or suit at law it shall not be necessary to 25 set forth the special matter; but it shall be sufficient for the Company to declare that the defendant is a holder of one or more shares in the said Company, as the case may be, and is indebted to the said Company in the sum of money to which the call or calls in arrear and penalties 30 shall amount, with interest as aforesaid, and in any such action it shall not be competent for the defendant to plead the general issue, but he may by a plea in denial traverse any particular matter or matters of fact alleged in the Declaration, or specially plead some particular matter or 35 matters of fact in confession and avoidance; and in order to maintain any such action, it shall be sufficient for the Company to prove by any one witness whether in the employ of the Company or not, that the defendant is indebted to the Company in the sum of money so sued 40 for, or in any less amount, and thereupon, unless legal proof to the contrary be adduced, and without any proof as to the making of the calls sued for or the giving of notice thereof, the Court shall give judgment in favor of the Company, for the sum of money and interest and 45 penalties so sued for and proved to be due, with costs of suit; and if any person or persons shall neglect to pay any such call or calls so due by him, her or them, for the space of one calendar month after the time appointed for the payment thereof, then it shall be in the power of the 50 Directors of the said Company if they see fit so to do, to declare the share or shares in respect of which such default shall have been made, forfeited, and thereupon to cause the same to be sold by public auction, for the payment of any calls, interest or penalties due in respect

thereof, and the proceeds of the sale after deducting the costs thereof, and after the Company shall have been paid the calls, interests and penalties due in respect of the shares so sold, shall be paid over to such defaulter: and the President or Vice-President of the Company shall have power to transfer the shares so sold to the purchaser thereof—and thereupon such defaulter shall be absolved from all his obligations in respect of the shares so sold, as well with respect to the said Company as with respect to the creditors thereof.

Road may be  
divided into  
Sections.

XV. And in order to facilitate the said Company in the making and completing of the Railroad and other works which the said Company are hereby empowered to make and complete, it is hereby enacted, That it shall be lawful for the said Company to divide the said Railroad into sections, and to make and complete any part or section of the said Road, and to receive tolls thereon even although the other parts of the said Road be not made or commenced, and it shall be in the power of the said Company to allow any persons willing to subscribe as aforesaid for any part of the said sum of seven hundred and fifty thousand pounds currency on condition of the sum or sums so subscribed being appropriated to the making and completing of any particular section or part of the said Road, to subscribe on that condition for any part of the said last mentioned sum of money; and any money so subscribed for the making and completing of any particular section of the said Road, shall be laid out for the making and completing of that section of the said Road in respect of which such money may have been so subscribed, and for no other purpose whatever, unless with the consent of the shareholders who may have subscribed the same; and the shareholders who shall have subscribed for the making of any particular section of the said Road, shall not be entitled to vote as shareholders or receive any dividends or profits, to exercise any of the rights, or to enjoy any of the advantages of shareholders, until the section of the Road for the making of which they shall have so subscribed, shall have been made and completed, and be in use or fit for use as a Railroad; but as soon as the section of the Road for the making of which they shall have so subscribed shall have been made and completed, and in use or fit for use as a Railroad, then the said last mentioned shareholders shall forthwith be entitled to exercise all the rights of shareholders in the said Company, and as such, to participate in all the gains and profits to be made by the said Company, from and after the making and completing of the section of the said Road, for the making of which the said last mentioned shareholders shall have specially subscribed.



XVI. And be it enacted, That the said Company <sup>Company may</sup> may from time to time lawfully borrow, either in this Province or elsewhere, such sum or sums of money, not exceeding the sum of seven hundred and fifty thousand <sup>borrow money.</sup> pounds currency, as they may find expedient, and at such rate of interest

and may make the bonds, debentures or other securities they shall grant for the sum so borrowed, payable either in currency or sterling, and at such place or places within or without this Province, as they may deem advisable, and may by such bonds, debentures or other securities, mortgage, hypothecate or pledge the lands, tolls, revenues and other property moveable or immoveable of the said Company, for the due payment of the said sums and of the interest thereon; and any of the said debentures whereby it is intended to mortgage and hypothecate any real estate of the Company situate in Lower Canada, may be in the Form No. 1. annexed to this Act, or in any other form that may be determined on by the said Company.

and any Registrar in whose office it may at any time hereafter be necessary to register the said debentures in order to give full effect thereto, is hereby empowered and required to enter and register at full length any of the said debentures which may be brought to be registered, on receiving the usual fee in that behalf, and without any memorial or proof as to the execution thereof being necessary; and any of the said debentures whereby it is not intended to mortgage and hypothecate the real estate of the said Company, may be in the Form No. 2, to this Act annexed, or in any other form that may be determined on by the said Company; and it shall be lawful for the said Company, if they see fit, to make the said debentures to be so issued by the said Company, or any part thereof that they may think proper, payable to bearer, and every debenture so issued, payable to bearer, shall be transferable by delivery, and shall with all interest due thereon, be payable to the bearer thereof, who shall, until the contrary be proved, in all law proceedings and on all other occasions, be held to be the proprietor of such debenture and of the debt and interest intended to be secured thereby, with all the hypothecary and other rights and privileges attached thereto; and it

shall also be lawful for the said Company to grant such debentures either in payment or as security to any person or persons, corporation or corporations, to whom the said Company may be indebted, and who may be willing to receive the same; and every debenture issued under the provisions of this Act, purporting to hypothecate any real estate in Lower Canada, shall have the same authenticity, force and effect, with respect to the date thereof, the mortgage or hypothec thereby given, and in all other respects without exception, as if the same had been executed in the notarial form according to the laws of Lower Canada; and every instrument purporting to be a debenture issued under the provisions of this Act, shall by all Courts, Judges and other officers, and upon all occasions, be considered and treated as genuine and authentic until the contrary be proved: Provided always, that nothing herein contained, shall defeat or in any way impair any bond, debenture, obligation hypothec, mortgage, or other security heretofore granted by the said Company.

Tolls may be  
taken.

XVII. And be it enacted, That as soon as any part of the said Rail-road shall be so far completed as to be capable of being used, it shall and may be lawful for the Directors of the said Company, from time to time to fix and regulate the Tolls and charges to be received for the transportation taken of all passengers, goods, merchandises and other property of any kind thereon or on any of the said steamboats or vessels, and also to fix and regulate the tolls to be received from any person or persons passing on any bridge to be used as a Toll-bridge as hereinbefore provided, and on any carriages, animals, goods or property of any kind that may pass over any such bridge, and it shall be lawful for the said Company to ask from, demand, receive, recover and take the said tolls and charges to and for their own proper use and benefit; and the said Directors shall also have full power and authority to regulate the time and manner in which passengers, goods, merchandizes, and property of every kind shall be transported, taken and carried on the said Railroad, steamboats, vessels and bridges, and in case of denial of payment of any such tolls or charges, or any part thereof on demand to the person or persons appointed to receive the same, the Company may sue for the same in any Court having competent jurisdiction, or the person or persons to whom the said tolls and charges ought to be paid may, and he is and they are hereby empowered to seize and detain such goods, merchandises and property of any kind for or in respect whereof such tolls and charges ought to be paid, and to detain the same until payment thereof, and in the meantime the said goods, merchandizes or other property shall be at the risk of the owner or owners thereof, and the said Directors shall have full power from time to time to lower or reduce all or any of the said tolls

or charges, and again to raise the same, as often as they may think it necessary for the interests of the said undertaking; Provided always, that the same tolls and charges shall be payable at the same time and under the same 5 circumstances, upon all persons and upon all goods, merchandises and other property, so that no undue advantage, privilege or monopoly, may be afforded to any person or class of persons.

XVIII. And be it enacted, That the number of votes to 10 which each proprietor of shares to be issued under the present Act, shall be entitled on every occasion when in conformity with the provisions of this Act, and to the said Act incorporating the said Company, the votes of the shareholders are to be given, shall be in the proportion 15 to the number of shares held by him, that is to say: one vote for every four shares under two hundred: Provided always, that no one proprietor shall have more than fifty votes, and all proprietors of shares, whether in this Province or not, may vote by proxy, in the manner and form 20 and with the effect mentioned in the twenty-eighth section of the said Act, incorporating the said Company.

Votes.

Proviso.

XIX. And be it enacted, That all the provisions con- 25 tained in the twenty-first, twenty-second, thirty-ninth, fortieth, forty-third, forty-fifth, forty-seventh, forty-ninth, fiftieth, fifty-third, fifty-fourth and fifty-eighth Sections of the said Act, passed in the ninth year of Her Majesty's Reign, intituled, "*An Act to incorporate the Montreal and Lachine Railroad Company,*" and also all the provisions contained in the twenty-third and thirty-eighth Sections 30 of that Act, as amended by a certain other Act passed in the Session of Parliament of this Province, held in the tenth and eleventh years of Her Majesty's Reign, intituled, "*An Act to amend the Act to incorporate the Montreal and Lachine Railroad Company, and for other purposes therein*" 35 "*mentioned,*" are hereby, in so far as they are not inconsistent with the provisions of the present Act, extended and made applicable to the Railroad and other works which the said Company is hereby authorised to make and complete, by virtue of the present Act; and all the 40 said provisions, excepting in so far as they may be inconsistent with the provisions of the present Act, shall have the same force and effect with respect to the said Road and other works, which the said Company is empowered to make and complete by the present Act, and with respect to all the powers granted to, and all the duties and 45 obligations imposed upon the said Company by the present Act, and with respect to the rights, obligations and liabilities of third parties, and all other respects without any exception, as if all the said provisions were repeated at full length in the present Act, and thereby, and in the 50 most perfect form of words, extended and made applicable to all those works, powers, acts, deeds, matters and

Certain provisions of former Acts extended to the present case.

things, to which it is by the present Section declared that they shall be extended and be applicable, and in every case where a Justice of the Peace is ordered or empowered by any of the said provisions of law in the present Section above referred to, to discharge any duty, then it shall be lawful for any Justice of the Peace of any District, in which the said Company shall have made or commenced any of the works authorised to be made and completed under the present Act, to discharge such duty; and in any case where it may be the duty of any Justice of the Peace to commit any party to gaol under any provision contained in the present Act, or in the said Act incorporating the said Company, or in any Act amending the last mentioned Act, such Justice of the Peace shall cause the party, so liable, to be committed to any gaol which such Justice of the Peace may lawfully cause such person to be committed; and in cases where an appeal to the Quarter Sessions is allowed from the judgment of such Justice, such appeal shall be to the Court of Quarter Sessions of the District in which such Justice shall have exercised his jurisdiction in the matter complained of.

Corporations  
may become  
subscribers.

XX. And be it enacted, That it shall be lawful for all Corporations, whether ecclesiastical or civil, to subscribe for any part of the sum of money, which by virtue of the present Act may be raised by the issuing of shares as aforesaid, and for any such Corporation to exercise all the right of shareholders in the said Company, with respect to the shares for which they may so subscribe; and it shall also be lawful for any such Corporation, whether ecclesiastical or civil, to loan any part of the sum of money authorised to be borrowed by the present Act; and to receive in respect of such loan, any security or securities which the said Company is empowered to give by the present Act, any law, usage or custom to the contrary notwithstanding.

When the  
Road must be  
completed.

XXI. And be it enacted, That the said Railroad and other works which the said Company are by this Act authorized to make and complete, shall be commenced within five years from the passing of this Act, otherwise this Act and every matter and thing therein contained, shall cease and be utterly null and void, and the said Railroad shall be completed and fit for public use within twenty years from the passing of this Act, otherwise this Act shall cease to have force and effect with regard to such part of the said Railroad and works as shall not have been then completed, but shall remain in full force and effect with regard to such parts of it as shall then be in use or fit for use; and as soon as the said Company shall have made and completed any section of the said Road, not being less than \_\_\_\_\_ miles in length, it shall be lawful for the said Company, by a resolution of the Directors, to take the name of "*The St. Lawrence and Ottawa Grand*

“*Junction Railroad Company*,” and thereupon they shall give public notice for the space of one month, in the *Canada Gazette*, that they have so taken such name, and from and after the giving of such notice, the name of the said Company, for all purposes whatsoever, shall be “*The St. Lawrence and Ottawa Grand Junction Railroad Company*,” but notwithstanding such change in the name of the said Company, it shall even after such change be lawful for the Company to sue or be sued in the original name of the said Company, namely, “*The Montreal and Lachine Railroad Company*,” for or with respect to any debt, contract, obligation or engagement, made or entered into before such change of name; or for, on account, or in respect of any act, matter or thing done or caused to be done, or omitted to be done before such change of name.

XXII. And whereas it may not be in the power of the said Montreal and Lachine Railroad Company to make and complete the said Railroad and other works which by the present Act they are empowered to make and complete, and the several persons hereinafter named are desirous to make and complete the said Railroad and other works in the event of the said Montreal and Lachine Railroad Company being unable to make and complete the same; Be it therefore enacted, That the Honorable James Ferrier, the Honorable Peter McGill, the Honorable Joseph Bourret, John Young, William Dow, John Boston, James B. Greenshields, William F. Coffin, Thomas A. Stayner, the Honorable George Moffatt, John Frothingham, J. G. Mackenzie, Hugh Taylor, W. Macdonald, D. Davidson, together with such persons as shall under the provisions of this Act, become subscribers as hereinafter provided for, and proprietors of any share or shares in the Railroad hereby authorized to be made and other works and property hereinafter mentioned, and their several and respective heirs, executors, administrators, curators and assigns, being proprietors of any such share or shares, are and shall be, and be united into a Company for carrying on, making, completing and maintaining the said intended Railroad and other works in the event of the said Montreal and Lachine Railroad Company being unable to commence the same within the said period of five years as aforesaid; and with all the rights and powers, and according to the rules, orders and directions hereinbefore or hereinafter expressed; and shall for that purpose be one body politic and corporate by the name of “*The St. Lawrence and Ottawa Grand Junction Railroad Company*,” and by that name shall have perpetual succession, and shall have a common seal, and other the usual powers and rights of bodies corporate not inconsistent with this Act, and by that name shall and may sue and be sued; and in case the said Montreal and Lachine Railroad Company shall be unable to commence the said

Provision for the case of the present Company not making the Road.

Railroad and other works within the said period of five years aforesaid, or in case of its being declared by a resolution of the Directors of that Company, that the said last mentioned Company will not make and complete the said Railroad and other works; then in either of the said two cases, The St. Lawrence and Ottawa Grand Junction Railroad Company, for the purpose of making and completing the said Railroad and other works and things incidental thereto, shall have and possess all the powers without any reservation, limitation or exception which the said Montreal and Lachine Railroad Company could have had or exercised if they had made and completed the said Railroad and other works and things incidental thereto; and the said St. Lawrence and Ottawa Grand Junction Railroad Company shall in the making and completing of the said Railroad and other works, and in the doing of all the matters and things incidental thereto, have the same rights, authorities and claims without any reservation, limitation or exceptions against all parties, whether individuals or corporations, that the said Montreal and Lachine Railroad Company could have had or exercised if they had made and completed the said Railroad and other works and things incidental thereto, and the said St. Lawrence and Ottawa Grand Junction Railroad Company shall, in making and completing the said Railroad and other works and matters and things incidental thereto, be subject as regards all parties, whether individuals or corporations, to all the liabilities and obligations to which the said Montreal and Lachine Railroad Company would have been subject, had the said Montreal and Lachine Railroad Company made and completed the said Railroad and other works and matters and things incidental thereto, and all persons and corporations shall have the same rights and powers with respect to the said St. Lawrence and Ottawa Grand Junction Railroad Company, and with respect to any shares they may issue or any money they may borrow, that such persons or corporations could have had or exercised with respect to the Montreal and Lachine Railroad Company, or with respect to any shares they might have issued or any moneys they might have borrowed if they had exercised the powers which they might have exercised under the present Act, and all the provisions of law which would have been applicable to the said Montreal and Lachine Railroad Company, if they had made, completed or commenced the said Railroad and other works and matters and things incidental thereto, shall be applicable to, and shall and may be taken advantage of by the said St. Lawrence and Ottawa Grand Junction Railroad Company, in commencing, making, completing or using the said Railroad and other works and matters and things incidental thereto, and in either of the said two cases aforesaid, it shall be lawful for any three of the persons incorporated by the present Act, to cause books of subscription to be opened in the manner pro-

vided by the fourteenth section of this Act, and as soon as one thousand of the said shares shall have been subscribed, a general meeting of the subscribers to the said undertaking shall and may be held for the purpose of electing Directors in the manner and after the notice mentioned in the thirty-first section of the said Act incorporating the Montreal and Lachine Railroad Company; and thereupon all the provisions of law applicable to and serving to regulate the affairs of the Montreal and Lachine Railroad Company, shall be applicable to and regulate the affairs of the said St. Lawrence and Ottawa Grand Junction Railroad Company, and the said Railroad or any part of the said Railroad which may be made by the last mentioned Company, shall be called the St. Lawrence and Ottawa Grand Junction Railroad.

XXIII. And be it enacted, That it shall be lawful for the Directors of the said St. Lawrence and Ottawa Grand Junction Railroad Company, or a majority of a *quorum* of them, to enter into and make any arrangement with the Directors of any other Railroad Company, now or hereafter to be chartered in any portion of the country between Montreal and Prescott, and more particularly with the Directors of the Montreal and Lachine Railroad Company, for the union, junction or purchase of any such Railroad, and in case of purchase of such Railroad, such road shall become to all intents and purposes a portion of the said St. Lawrence and Ottawa Grand Junction Railroad and the capital stock of the said last mentioned Company shall, if the said Company think fit to increase the same be thereupon increased to the extent of the capital stock of the road so purchased.

Arrangements may be made with other Companies.

XXIV. And be it enacted, That the said Railroad which the said last mentioned Company are by this Act authorised to make, shall be commenced within five years from the expiration of the time allowed to the Montreal and Lachine Railroad Company to commence the same, and shall be completed and fit for public use within twenty years from the same time, otherwise this Act shall cease to have any force or effect with respect to any part of the said Railroad or other works as shall not then be completed; but shall remain in force with regard to such parts of it as shall then be completed and in use.

Commencement and completion of Road.

XXV. And be it enacted, That nothing herein contained shall affect or be construed to affect in any manner or way whatsoever the rights of Her Majesty, Her Heirs and Successors, or of any person or persons, or of any bodies politic, corporate or collegiate, such only excepted as are herein mentioned.

Saving of rights.

XXVI. And be it enacted, That notwithstanding the privileges hereby conferred, the Legislature may at any

Saving of power to amend.





