

Technical and Bibliographic Notes / Notes techniques et bibliographiques

The Institute has attempted to obtain the best original copy available for filming. Features of this copy which may be bibliographically unique, which may alter any of the images in the reproduction, or which may significantly change the usual method of filming are checked below.

- Coloured covers / Couverture de couleur
- Covers damaged / Couverture endommagée
- Covers restored and/or laminated / Couverture restaurée et/ou pelliculée
- Cover title missing / Le titre de couverture manque
- Coloured maps / Cartes géographiques en couleur
- Coloured ink (i.e. other than blue or black) / Encre de couleur (i.e. autre que bleue ou noire)
- Coloured plates and/or illustrations / Planches et/ou illustrations en couleur
- Bound with other material / Relié avec d'autres documents
- Only edition available / Seule édition disponible
- Tight binding may cause shadows or distortion along interior margin / La reliure serrée peut causer de l'ombre ou de la distorsion le long de la marge intérieure.
- Blank leaves added during restorations may appear within the text. Whenever possible, these have been omitted from filming / Il se peut que certaines pages blanches ajoutées lors d'une restauration apparaissent dans le texte, mais, lorsque cela était possible, ces pages n'ont pas été filmées.
- Additional comments / Commentaires supplémentaires: Cover title page is bound in as last page in book but filmed as first page on fiche.

L'Institut a microfilmé le meilleur exemplaire qu'il lui a été possible de se procurer. Les détails de cet exemplaire qui sont peut-être uniques du point de vue bibliographique, qui peuvent modifier une image reproduite, ou qui peuvent exiger une modification dans la méthode normale de filmage sont indiqués ci-dessous.

- Coloured pages / Pages de couleur
- Pages damaged / Pages endommagées
- Pages restored and/or laminated / Pages restaurées et/ou pelliculées
- Pages discoloured, stained or foxed / Pages décolorées, tachetées ou piquées
- Pages detached / Pages détachées
- Showthrough / Transparence
- Quality of print varies / Qualité inégale de l'impression
- Includes supplementary material / Comprend du matériel supplémentaire
- Pages wholly or partially obscured by errata slips, tissues, etc., have been refilmed to ensure the best possible image / Les pages totalement ou partiellement obscurcies par un feuillet d'errata, une pelure, etc., ont été filmées à nouveau de façon à obtenir la meilleure image possible.
- Opposing pages with varying colouration or discolourations are filmed twice to ensure the best possible image / Les pages s'opposant ayant des colorations variables ou des décolorations sont filmées deux fois afin d'obtenir la meilleure image possible.

This item is filmed at the reduction ratio checked below /
Ce document est filmé au taux de réduction indiqué ci-dessous.

10x		14x		18x		22x		26x		30x	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
12x		16x		20x		24x		28x		32x	

1st Session, 5th Parliament, 18 Victoria, 1854.

BILL.

An Act to amend the Acts relating to
the Grand Trunk Railway Company
of Canada.

Received and Read First time, Wednesday, 27th
Sept., 1854.

Second Reading, Wednesday, 4th Oct., 1854.

Mr. CARTIER.

QUEBEC:

PRINTED BY JOHN LOVELL, MOUNTAIN STREET.

[1854.]

BILL.

[No. 39.

An Act to amend the Acts relating to the Grand Trunk Railway Company of Canada.

WHEREAS by an Act passed in the sixteenth year of Her Majesty's Beign, intituled "*An Act to incorporate the Grand Trunk Railway of Canada,*" certain persons were incorporated under the name of *The Grand Trunk Railway Company of Canada*, and were authorized to make and complete the Railway therein mentioned; and by the said Act it is also provided that the Guarantee of the Province may be given to the Company thereby incorporated to an amount not exceeding the sum of three thousand pounds sterling for every mile in length of the said Railway, on certain conditions therein mentioned: and whereas such Company was afterwards formed under the authority of the said Act:

Preamble.
16 Vic. c. 37.

And whereas under the authority of another Act passed in the sixteenth year of Her Majesty's Reign, intituled, "*An Act to provide for the incorporation of a Company to construct a Railway from opposite Quebec to Trois Pistoles, and for the extension of such Railway to the Eastern frontier of the Province,*" a Company was formed and incorporated under the name of "*The Grand Trunk Railway Company of Canada East,*" for the construction of the said Railway, and it is by such Act provided that the Guarantee of the Province shall be given to such Company to the same extent and in the same manner as is provided under the last hereinbefore recited Act:

16 Vic. c. 35.

And whereas under the authority of another Act passed in the same year of Her Majesty's Reign, intituled, "*An Act to incorporate the Grand Junction Railroad Company,*" a Company was incorporated for the purpose among other things of constructing the Railway therein mentioned:

16 Vic. c. 43.

And whereas under the authority of another Act passed in the Session held in the fourteenth and fifteenth years of Her Majesty's Reign, intituled, "*An Act to incorporate the Toronto and Guelph Railway Company,*" a Company has been incorporated for the purpose of constructing a Railway between Toronto and Guelph:

14 & 15 Vic. c. 148.

And whereas another Act was passed in the sixteenth year of Her Majesty's Reign, intituled, "*An Act to amend an Act to incorporate the Toronto and Guelph Railway Company,*" authorizing an extension of the said Railway as therein mentioned:

16 Vic. c. 41.

And whereas under the authority of another Act passed in the Session held in the thirteenth and fourteenth years of Her Majesty's Reign, intituled, "*An Act to incorporate Peter Paterson, Esquire, and others, under the name of the Quebec and Richmond Railway Company,*" a Company was formed and incorporated for the construction of the Railway therein mentioned:

13 & 14 Vic. c. 116.

And whereas under the authority of another Act passed in the eighth year of Her present Majesty's Reign, intituled, "*An Act to incorporate the St. Lawrence and Atlantic Railroad Company,*" a Company

8 Vic. c. 25.

was formed and incorporated for constructing the Railway therein mentioned :

10 & 11 Vic. c. 65. And whereas another Act was passed in the Session held in the tenth and eleventh years of Her present Majesty's Reign, intituled, "*An Act to amend the Act incorporating the St. Lawrence and Atlantic Rail- 5*" "*road Company and to extend the powers of the said Company,*" and

9 Vic. c. 79; 12 V. c. 176; 13 & 14 V. c. 118; 16 V. c. 47. four other Acts have since been passed in the Sessions respectively held in the ninth, the twelfth the thirteenth and fourteenth, and the sixteenth years of Majesty's Reign, respectively, relating to the said Company :

16 Vic. c. 39. And whereas an Act was passed in the sixteenth year of Her Ma- 10 jesty's Reign, intituled, "*An Act to empower any Railway Company whose Railway forms part of the Main Trunk Line of Railway through- out the Province, to unite with any other such Compaay, or to purchase the property and right of any such Company, and to repeal cert. in Acts therein mentioned incorporating Railway Companies,*" (hereinafter 15 called the Railway Companies Union Act) and another Act was passed in the same Session, intituled, "*An Act to extend the provi- 16 Vic. c. 76. sions of the Railway Companies' Union Act to Companies whose Rail- ways intersect the Main Trunk Line or touch places which the said Line also touches:*" 20

16 Vic. c. 75. And whereas another Act was passed in the same Session, inti- tuled, "*An Act to provide for the construction of a General Railway Bridge over the River St. Lawrence at or in the vicinity of the City of Montreal,*" whereby it is provided that the Grand Trunk Railway Company of Canada or any Company which should be formed by the 25 union of the said Company with any one or more Railway Companies under the Act in that behalf should have power to construct a Railway Bridge and all necessary works :

Union of the several Com- panies afore- said. And whereas under the powers and provisions of the several here- inbefore recited Acts, and of the Railway Clauses Consolidation Act, the 30 several Companies following, that is to say, the Grand Trunk Railway Company of Canada East, the Quebec and Richmond Railway Company, the St. Lawrence and Atlantic Railroad Company, the Toronto and Guelph Railway Company and the Grand Junction Railroad Company, have been united with and incorporated into the said Grand Trunk Railway Company, 35 under the name of "*The Grand Trunk Railway Company of Canada,*" upon certain terms and conditions embodied in an agreement made and concluded between the Directors of the said several Companies, bearing date the twelfth day of April, one thousand eight hundred and fifty-three, and which agreement has since been duly ratified and confirmed at meet- 40 ings of the Shareholders of the said several Companies, held in accordance with the provision of the said Railway Companies Union Act :

And whereas it is stipulated in the said agreement that the several Railways and works of the said Companies, including the said General Railway Bridge over the St. Lawrence at Montreal called the Victoria 45 Bridge, shall thereafter form one Railway and work to be called and known as The "*Grand Trunk Railway of Canada:*"

And whereas certain acts have been done by the Board of Directors or constituted and appointed by the said agreement in the creation and issue of shares and debentures and otherwise, and certain contracts and 50 agreements have been entered into by the said Board with certain Contractors, for the execution of the works and for the acceptance of Shares and Debentures in payment therefor :

And whereas in the said Railway Companies Union Act, it is among other things declared that the Legislature of this Province will 55 make any further Legislative provision which may be required for the purpose of giving full effect to the said Act and to every agreement made

under it and ratified as thereby required; and it is expedient that further Legislative provisions should be made for enlarging the powers of the said Company and for extending the time for the completion of the works undertaken by them; and that the said agreement and the amalgamation of the said several Companies intended to be effected thereby, and the Acts done in pursuance thereof, and the agreements entered into by the said Directors should be confirmed; Be it therefore enacted, &c., as follows:

I. In citing this Act in any Act or legal proceeding, or for any purpose, it shall be sufficient to use the expression "The Grand Trunk Railway Act, 1854." Short title of this Act.

II. The said hereinbefore recited agreement of the 12th day of April, 1853, and the amalgamation of the said several Companies and undertakings thereby intended to be effected, and the creation and issue of shares and debentures by the said United Company or the Directors thereof, and the contracts and agreements entered into by them with certain contractors for the execution of works, and for the acceptance of shares and debentures in payment for such works, are hereby confirmed, and any copy of the said agreement or of any contract and agreement made as aforesaid with any contractors, certified by the Secretary of the Grand Trunk Railway Company of Canada, for the time being, to be a true copy or extract and bearing the corporate seal of the Company, shall be *prima facie* evidence thereof or of the parts so extracted therefrom. Agreement for union of Companies and Acts of Directors since confirmed.

III. The United Company formed by the amalgamation of the several Companies hereinbefore mentioned, shall be known and designated by the name of the Grand Trunk Railway Company of Canada; and the several Railways or works which they undertake and construct shall be known and designated as, and shall constitute, The Grand Trunk Railway of Canada. Name of United Company.
Name of United Works.

IV. The Railway Clauses Consolidation Act, and also the Act in addition to the General Railway Clauses Consolidation Act, shall extend and be applicable to the said Grand Trunk Railway Company of Canada, except so far as the provisions thereof may be varied by or inconsistent with the provisions herein contained. Application of Railway Clauses Act.

V. It shall be lawful for the Governor in Council from time to time upon such terms and conditions as he shall think fit, by order in Council, (a copy of which shall be inserted in the Canada Gazette,) to extend the period allowed by the several hereinbefore recited Acts for the completion of the Railways and works thereby respectively authorized, for such further time as he may think fit; and he may so extend such periods respectively either as to the whole of the Railways and works forming the Grand Trunk Railway of Canada or as to so much thereof as shall be specified in such order. Governor in Council may extend time for completion of Works.

VI. When any such order as aforesaid is made by the Governor in Council, the Act or Acts of Parliament authorizing the construction of the Railway or works mentioned or referred to in such order, shall, as to the portion of Railway or works described thereby or comprised in such order, be construed as if the extended period or periods of time mentioned in such warrant had been by such Act or Acts limited as the period or periods respectively, within which the powers of such Act or Acts for the construction of such Railway or works might lawfully be exercised, instead of the periods mentioned in such Act or Acts respectively. Effect of such order extending time for completion of works.

Increase of
Capital of the
Company pro-
vided for.

VII. In case it shall be deemed expedient by the said Grand Trunk Railway Company of Canada at any time or times hereafter to increase the capital of the said Company, such increase may be effected by Resolution of the Directors of the said Company, sanctioned and approved by two-thirds at least of the votes of the shareholders present in person or by proxy, at a general meeting convened with special notice of the intended object; and the further capital so authorized may be raised by mortgage or bond or by the issue of new shares of such denomination and with such privileges as to priority of dividend or otherwise, and upon such terms and conditions, and at such times and to such persons and in such manner, as the shareholders so present in person or by proxy shall by the like proportion of votes approve or direct. 5 10

Convertible
Bonds may be
issued.

VIII. It shall be lawful for the said Company, on obtaining subscriptions for shares and as one of the conditions of allotting the Bonds authorized to be issued by the Company, to give to the holders of such Bonds, respectively, the option of converting the same into shares in the capital of the Company at par, provided such option be exercised within the time and the manner prescribed on the allotment of such bonds, and for the purpose of such conversion to create and issue shares or stock in the Company of equal amount. 15 20

Number of Di-
rectors may be
increased or
reduced.

Proviso.

IX. The number of Directors of the Company may be increased or reduced from time to time by resolution of the Shareholders, at any general or special general meeting of the Company, after due notice for that purpose; and at such meeting the order of rotation in which such increased or reduced number shall go out of office, and what number shall be a quorum shall be also determined: Provided that, whatever be the whole number of Directors, one-third at least shall always be English Directors; and so long as the guarantee of this Province shall continue in force, one-third at least, of the whole number shall be Government Directors, as provided by the said recited Acts, or some of them. 25 30

Shares may
be converted
into a general
Stock, trans-
ferable in any
sums not being
parts of a
pound.

X. It shall be lawful for the Company at any time and from time to time to convert or consolidate all or any part of the shares into a General Capital Stock, to be divided amongst the Shareholders, or the several classes of Shareholders, according to their respective interests therein, and after such conversion, such stock as well as any stock which shall have been created under the provisions in this Act contained for the conversion of bonds, shall be transferable and transmissible in any sums or parts not being fractional parts of a pound, in the same manner and subject to the same regulations and provisions, so far as applicable, as are or shall be contained in the Acts then in force relating to the Company in reference to shares in the capital of the Company. 35 40

Stock Register
to be kept by
the Company.

Rights of hold-
ers of general
Stock.

XI. The Company shall, from time to time, cause the names of the several parties interested in such stock and the amount of interest therein of such parties, respectively, to be entered in a Book to be called "The Stock Register;" and the several holders of such stock shall be entitled to participate in the dividends and profits of the Company, according to their respective interests therein, and such interest shall, in proportion to the amount thereof, confer on the respective holders the same privileges of voting, qualification, and otherwise as would have been conferred by shares of equal amount, in the capital of the Company, but so that none of such privileges except that of participation in the dividends and profits shall be conferred by the holding of any amount 45 50

part of such amount of stock, unless such aliquot part, if existing in shares, would have conferred such privileges respectively.

XII. Whenever it shall be deemed expedient by the Board of Directors, that a Special General Meeting of the Shareholders shall be convened either for the purpose of increasing the Capital or increasing or reducing the number of Directors as aforesaid or for any other purpose, the Directors may convene such meeting by advertisement and circular in manner hereinafter mentioned, in which advertisement and circular the business to be transacted at such meeting shall be expressly stated; and such meeting may be held either at Quebec or Montreal or such other place in this Province as the Directors shall appoint, or if the Directors shall so think fit in London in England.

Special General Meetings for certain purposes; how to be convened and where held.

XIII. Notice of any Ordinary General Meeting of the Shareholders shall be given once in each of (3) consecutive weeks in the Canada Gazette and in at least one other paper published in each of the Cities of Toronto, Kingston, Montreal and Quebec.

Notice of Ordinary General Meetings.

XIV. The Notices of Special General Meetings of the Company for any of the purposes aforesaid shall be inserted in the same papers as are in this Act prescribed as necessary for convening ordinary General Meetings of the Company and also in one or more of the Daily Morning Newspapers published in London aforesaid; and a copy of such Notice shall also be addressed by Post to each Shareholder at his last known or usual address not less than days before the holding of such meeting.

Notice of Special General Meetings.

XV. If at any Ordinary General Meeting of the Shareholders, it shall be resolved that Ordinary General Meetings of the Company shall be held half-yearly, such meetings shall thenceforth be held half-yearly at such times and at such place or places either in this Province or in London aforesaid as shall from time to time be appointed by the Directors.

Half-yearly Meetings may be held.

XVI. In the event of its being determined in manner aforesaid that the Ordinary General Meetings of the Company shall be held half-yearly, the accounts of the Company shall be balanced and audited up to the thirtieth of June and thirty-first of December in each year, and dividends may be declared half-yearly and the provisions of the Railways Clauses Act applicable to the making up, balancing and auditing of accounts and the declaring and paying of dividends shall apply to such half-yearly meetings and to such half-yearly accounts and dividends.

In case of such half-yearly Meetings, Dividends, &c., to be made half-yearly

XVII. Duplicates of all registers of Shares and Debentures of the Company and of the Shareholders thereof, which shall at any time be kept at the principal office of the Company in this Province (such duplicate being authenticated by the signature of the Secretary of the Company) may be transmitted to and kept by the agent for the time being of the Company in London aforesaid.

Duplicates of Register to be sent to England.

XVIII. Whenever any transfer shall be made in England of any Share or Stock of the Company, the delivery of the transfer duly executed to the agent of the Company for the time being in London aforesaid, shall be sufficient to constitute the transferee a Shareholder in the Company in respect of the Share so transferred, and such agent shall transmit an accurate list of all such transfers to the Secretary of the Company in this Province, who shall thereupon make the requisite entries in the register; and the Directors may from time to time make such regulations as they shall think fit for facilitating

Provisions with regard to transfers of Shares or Stock made in England.

ing the transfer and registration of Shares, as well in this Province as elsewhere and as to the closing of the register of transfers for the purpose of dividend, as they may find expedient ; and all such regulations not being inconsistent with the provisions of the Act first mentioned in the Preamble to this Act and of the Railways Clauses Act as altered or modified by this Act shall be valid and binding. 5

Bonds and Debentures to be transferable by delivery.

XIX. Any party entitled to any debenture of this Province issued to the Company or to any bond or debenture of the Company on which the whole amount shall have been paid up, may transfer his right and interest in any such bond or debenture and in the principal and interest monies secured thereby to any other person, by the delivery of such bond or debenture with the coupons or interest warrants attached thereto, without the necessity of a deed or instrument in writing for the purpose of effecting such transfer. 10

Recital.

XX. And whereas by some of the Acts herein before recited provision is made for the issue of debentures of the Province to certain of the Companies incorporated by such Acts respectively (which Companies now form part of the said Grand Trunk Railway Company of Canada) in the manner and at the times and on the conditions in the said Acts respectively expressed, and by the said amalgamation such debentures became and were declared to be the property of the said Grand Trunk Railway Company of Canada and the right to claim such debentures (subject to the conditions aforesaid) has been dealt with and disposed of by the said Company : And whereas it would be convenient that instead of the provisions contained in the said recited Acts respectively for the issue of such Debentures at the time and in the events therein respectively mentioned, one general provision should be made as to the issue thereof, and the terms and conditions of such issue, and also that instead of the particular charges on the several Railways or portions of Railways mentioned in such Acts respectively created or to be created by virtue of the said Acts respectively in respect of such issues, one general charge should be created upon the Grand Trunk Railway of Canada to the extent of the whole amount of the Debentures of the Province issued or to be issued : Be it therefore enacted, That the Crown shall on behalf of the Provincial Government have in respect of the Debentures issued or to be issued as aforesaid a charge, 25

A charge upon the whole works substituted for the special charges on the several works, to the extent of the guarantee.

hypothec, or lien upon the whole Grand Trunk Railway of Canada, in the same manner and with the same preference and privilege, and to the same extent and with the same incidents as to redemption or otherwise, as but for such amalgamation the Provincial Government would have had upon the separate Railways or undertakings in respect of which by the said several Acts respectively, such Debentures were to be issued ; and it shall not be necessary for the said Company to make or keep separate accounts with respect to each undertaking forming part of the said Grand Trunk Railway, upon which such charge attached or might attach anything in the said recited Acts or any of them to the contrary notwithstanding : And further that whenever it shall be ascertained by the report of any Engineer to be appointed for that purpose by the Governor of this Province that, £100,000 sterling has been actually and with due regard to economy expended on the said Grand Trunk Railway of Canada, in work done, or materials, or plant provided since the 1st day of July 1853, Debentures of the Province may be issued to the said Company to the extent of £40,000 and so *toties quoties* until Debentures shall have been issued to the full extent of the guarantee limited by the said recited Acts, respectively, which guarantee amounts in the whole to one million eight hundred and eleven thousand, five hundred pounds sterling : Provided 50

Engineer's Report.

Provided.

55

that it shall be lawful for the Governor at any time before making or authorizing any issue of such Debentures, if he shall so think fit, to require that the Engineer to be appointed as aforesaid, shall report and certify that the works of the said Company are proceeding to his satisfaction with regard the final completion of the several Railways and works included therein, and to suspend such issue until such report and certificate shall have been given.

XXI. And whereas by an Indenture bearing date the fifth of August, one thousand eight hundred and fifty-three, between the Atlantic and St. Lawrence Railroad Company of the first part, and the Honorable John Ross, Benjamin Holmes, and William Jackson of the second part, that portion of the Atlantic and St. Lawrence Railway which extends from the City of Portland in the State of Maine to the border line of this Province, together with certain other property therein described, was demised to the said parties of the second part for the term of nine hundred and ninety-nine years, subject to the payment of the rent, and upon the terms and conditions in such Indenture of Lease contained: and whereas such Lease was granted to and taken by the said parties of the second part as Trustees for the said Grand Trunk Railway Company of Canada, or for the purpose of transferring the same to the said Company when they should be duly authorized to accept such transfer; and it is expedient that the said Company should be authorized to accept a transfer or assignment of such Lease from the said Lessees and to become the Proprietors of the said portion of Railway and other property on the terms in such Lease mentioned: Be it therefore enacted, that it shall be lawful for the said Honorable John Ross, Benjamin Holmes, and William Jackson, or the survivors or survivor of them, to transfer and assign to the said Company and for the said Company to accept and take the said Lease and the interest and property of the said Lessees therein, on the terms and conditions in the said Lease mentioned, with such modifications and alterations as shall be agreed to by the Directors of the said Company, and to indemnify the said Lessees from and against the covenants and conditions therein contained on the part of the said Lessees, and to hold the said portion of Railway and other property subject to the rent, and on the terms and conditions in the said Lease specified with such modifications as aforesaid; and that in case the said Lease shall be surrendered to the said Atlantic and St. Lawrence Railroad Company, it shall be lawful for the said Grand Trunk Railway Company of Canada to accept a new Lease from the said other Company on such other terms and conditions as may be agreed between the said Companies.

Recital.
Lease of St. Lawrence and Atlantic Railroad.

Lease may be transferred to the G. T. R. Company of Canada; or may be surrendered and a new Lease made to the Company.

XXII. It shall be lawful for the said Grand Trunk Railway Company of Canada, to construct, make and work any Branch Railway or Railways which they may deem it advisable to make, from any point or points on their main Railway to any point or points not being respectively more than miles from their said Railway, except that any such Branch Railway may be made from the said main Railway to the River St. Lawrence or any of the Lakes thereon, although the length of such Branch shall exceed miles: and to any such Branch Railway and all matters relating thereto or to the working thereof, the provisions and enactments of this Act and of the Act first cited in the Preamble to this Act (including those of the Railway Consolidation Act incorporated therewith and the Act in addition to the said last mentioned Act,) shall apply as fully to all intents and purposes as to the main Railway in the said first cited Act mentioned, except that the survey and

The Company may make Branches to which the provisions of former Acts shall apply.

plan of any such Branch may be made and deposited at any time before such Branch shall be commenced, and that such Branch shall be completed within such time as shall be appointed for the purpose by order of the Governor in Council, made and published in the manner hereinbefore mentioned, as regards orders in Council for extending the time for completing any part of the main Line of Railway of the said Company.

Company may hold Steamers and other craft.

Tolls.

XXIII. It shall be lawful for the said Company to build or purchase, hold, navigate, and work steamers and other vessels and craft for the conveyance of goods and passengers between any point on or within miles of their main Railway or any Branch thereof, to any place not more than miles from some point on the said main Railway or some Branch thereof, and to dispose of such steamers, vessels, or craft when need shall be, and others to acquire in their stead, and to establish, demand, and take tolls for the conveyance of goods and passengers, or other services performed by or with such steamers, vessels or craft, to which tolls all the provisions of the Railway Clauses Consolidation Act respecting tolls shall apply.

Branch Railway to the foot of the current. Rights and duties of the Company in making the same.

Provision.

XXIV. It shall be lawful for the said Company to make a Branch Railway from the Victoria Bridge, or from any station on their Railway within the City of Montreal, to the River St. Lawrence at or below the foot of the current of St. Mary but within the Parish of Montreal; and such Branch may be made either by the way of and along the wharves, in front of the Common and Commissioners' streets, and so along the bank of the River St. Lawrence or any streets near to the same to the point to which such Branch is to be carried, or by way of Craig street and such other streets as may be found conveniently situated for the purpose, and by the lower part of the St. Mary street and the Quebec Suburbs, to the point chosen as the terminus of such Branch; and for the purpose of making and using such Branch (to which also all the provisions hereby made applicable to other Branches shall apply) it shall be lawful for the said Company to lay down and maintain Rails and other requisite works along, through or across any of the streets of the said City of Montreal as well as upon any lands they shall take or acquire from private parties, and to do all things which may be requisite for making and using the said Branch Railway so to be made in, through, across or along the said streets: Provided always, that except under some express By-law of the Council of the said City and according to the provisions of such By-law, no locomotive Steam Engine shall be used on the said Branch within the limits of the said City, but the carriages and things passing along the said Branch within the City shall be drawn by horses or other locomotive power not requiring steam or fire; nor shall the Rails laid down in any public street in the said City rise above the general level of the roadway of such street; and in laying down, using, or repairing their Railway in any such street the said Company shall always leave at least one-half of the road clear of all obstructions from their works, and shall use all diligence in laying down or repairing the said Railway, so that the work shall be done in a reasonable time and with as little hindrance to the free use of such streets as may be practicable; but the Rail itself laid down shall not be deemed an obstruction.

What extent of ground the Company may take for a terminus at foot of Current.

XXV. It shall be lawful for the said Company to take, acquire and hold at the terminus of the Branch last aforesaid, at or below the said Current of St. Mary's, such extent of land as they may deem requisite for such terminus, and the station, wharves and other works which the Company may build and erect at such terminus, not exceeding twenty-five acres.

XXVI. The said Company shall have power to take, use and occupy for any period of time, without purchasing the same absolutely, any lands of which they may require the temporary use for the construction, or for the repairing after construction of any work on the main line of their Railway or any branch thereof, or for the purpose of getting from off such lands any stone, timber or other materials required for their Railway or works, (and to take such materials from the same for such purpose,) or for the purpose of constructing thereupon any temporary road or railway for the purpose of conveying such materials from any land acquired or taken by the Company to such Railway or works; and to the taking such temporary possession and use of any lands all the provisions of the Railway Clauses Consolidation Act shall apply *mutatis mutandis*; provided that in the notice to be given to any party of whose lands temporary possession is to be taken under this section, the time for which such possession is required, and the purpose for which the land is to be used and the materials (if any) to be taken therefrom shall be mentioned and defined, so that the arbitrators who are to fix the compensation which the Company is to pay for such possession and use of the lands, may be able fairly and fully to estimate the compensation which ought to be paid by the Company to the owner or occupier of such lands for the damages to be by him sustained; but in the Certificate of the Surveyor accompanying such notice, it shall not be necessary to state that the lands in question are within any given distance of the Railway or any branch thereof; but simply that they are required for any of the purposes aforesaid; nor shall the Company retain possession of the lands for a longer period, or use them for another purpose or in another manner than is mentioned in the said notice, without a new notice and arbitration, to which all the said provisions shall apply.

Power to take lands temporarily for certain purposes, and on what conditions.

XXVII. The said Company may construct any temporary building required for the purpose of more conveniently carrying on their works, or any of them, of wood or other materials, notwithstanding such building may be within the limits of any Municipality and there may be a By-law or By-laws thereof prohibiting the erection of buildings of wood or other materials of which such building of the Company is constructed, provided no such prohibited building be intended or be allowed to remain more than _____, but if it be allowed to remain more than that period, it shall become subject to such By-laws, and the Company may be dealt with accordingly.

As to temporary buildings of wood or other materials.

XXVIII. If hereafter any other Railway Company shall form a union with the said Company, under the provisions of the Statutes in that behalf provided, the corporate name and existence of such other Company shall be merged in that of The Grand Trunk Railway Company of Canada, which shall thereafter be the name of the United Company, and the name The Grand Trunk Railway of Canada, shall thereafter include the Railway and works which such other Company was authorized to construct.

XXIX. Any copy or extract from any agreement with any such other Company, under which a union may be formed between the said Company and such other Company, or any agreement, deed or lease for the purchase or demise of any other Railway, or of or from any proceedings of the Directors or Stockholders of either Company with reference to such union, purchase or lease, certified to be true copies or extracts, in the manner provided by the _____ section of this Act, shall be *prima facie* Copies of agreement, &c., with any other Railway Company duly certified to be *prima facie* evidence thereof.

evidence of such agreement, deed, lease or proceedings, or of the part thereof set forth in such extract.

Proceedings
in cases of cer-
tain real or
hypothecary
actions against
the Company.

XXX. At the end of two years from the time when the Grand Trunk Railway of Canada as defined in the Act first above cited, or any Railway or work now forming or hereafter to form part of the Grand Trunk Railway of Canada, as defined in the Act authorizing the construction thereof, or any Branch Railway the construction of which is hereby authorized, respectively, is completed and opened for Public use, every right and claim of any other party whomsoever (whether married women, minors, absentees, persons interdicted or otherwise incapacitated in ordinary cases from acting for themselves,) to or upon any land taken by any Company for such Railway, work or Branch Railway so completed, and touching which no suit or proceeding shall then be pending, shall be absolutely prescribed, and the mere lapse of the said period, shall be an absolute bar to any action for the recovery or enforcement of such right or claim, forever: and if at any time before the expiration of such period any hypothecary, petitory, or possessory action, or any action of ejectment, or any action or suit founded upon mortgage, lien, or dower upon any such lands as aforesaid then in possession of the said Grand Trunk Railway Company of Canada, shall be brought, the payment into Court by the said Company, of the sum which they or the Company first empowered to construct such Railway or work, may have actually paid, or which may have been agreed or awarded to be paid by them for such lands, shall operate an immediate stay of all proceedings in such suit or action as against the said Grand Trunk Railway Company of Canada, if they think proper to declare their intention not to defend the same, and the Court shall thereafter make such order with respect to the distribution of such sum so paid into Court, as to law and right may appertain, and may order such proof as the Court may think proper of to the right of the party bringing such suit or action, to the said sum, which shall be held to represent the land in question as regards the claim so made to or upon the same, and the Company shall pay no costs incurred after such payment into Court: and if the Court shall adjudge that the party bringing such suit or action, is not entitled to the said sum or is only entitled to part thereof, the said sum, or the part thereof to which such party is not entitled, shall be paid out of Court to the Company: and in no case shall the said Company be adjudged to give up possession of any such lands of which they have once lawfully obtained possession, but the sum lawfully paid, agreed upon, or awarded to be paid by them for the same, shall represent the lands, and the claims to or upon them, shall be by such possession converted into a claim to or upon the sum aforesaid: Provided always, that nothing in this section shall be construed to take away or weaken any defence which the Company may have to such suit or action under any other Act or Law, or to impair the effect of any proceeding which they may have taken under any such Act or Law, to bar any or all claims to or upon such lands.

Proceedings
with regard to
any lands
hereafter to be
taken by the
Company, or
taken and the
compensation
not settled, to
be under the
Railway
Clauses Act.

XXXI. In every case where lands are hereafter to be taken by the said Company, or where lands have been taken but the compensation therefor is not ascertained, for any Railway or work, with the Act authorizing the construction whereof, the eleventh section of the Railway Clauses Consolidation Act, intituled, "*Lands and their Valuation*," is not incorporated, the said eleventh section shall nevertheless apply, and shall be deemed to be, and is hereby incorporated with the Act authorizing the construction of such Railway or work, and shall apply to the taking of such lands and to all matters and proceedings, rights and claims thereunto relating, and the provisions in such Act or any Act amending it relating to the taking of lands and the matters aforesaid, are hereby repealed, as regards all lands hereafter to be

taken, or the fixing of the compensation to be paid therefor; and where the Company is or shall be in possession of such lands as aforesaid, but the compensation to be paid therefor has not been fixed, then the opposite party may serve upon the Company, or the Company may serve upon the opposite party, a notice containing the name of an Arbitrator to act on behalf of such opposite party or the Company, as the case may be, and calling upon the other party to name an Arbitrator within ten days after the service of such notice, and if the opposite party or the Company, being so called upon, do not name an Arbitrator within the delay aforesaid, then the other party may apply to a Judge to appoint one as provided by the said eleventh section in the case therein mentioned, and all other proceedings shall be had in like manner and with like effect as if the lands had been taken by the Company after the passing of this Act. 9 10

Public Act.

XXXII. This Act shall be a Public Act.