

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:

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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12x	16x	20x	24x	28x	32x						

1st Session, 6th Parliament, 21-2 Victoriae, 1858.

J. J.

BILL.

**An Act for enforcing the Lien of this
Province in respect of claims against
certain Railway Companies.**

Received and read first time, Tuesday, 13th
July, 1858.
Second reading, Friday 16th July 1858.

(500 Copies.)

HON. MR. VANKOUGHNET.

BILL.

An Act for enforcing the Lien of this Province in respect of claims against certain Railway Companies.

WHEREAS certain Railway Companies have received Provincial Debentures under the provisions of the Acts following, that is to say: an Act passed in the twelfth year of Her Majesty's reign, chapter twenty-nine; also, an Act passed in the session held in the fourteenth and fifteenth years of Her Majesty's reign, chapter seventy-three; also, an Act passed in the sixteenth year of Her Majesty's reign, chapter thirty-seven, or of some or one of them; And whereas under the said provisions the Province has a first hypothec, mortgage and lien upon the roads, tolls and property of the said several Railway Companies for the amount of the Provincial Debentures so advanced to them respectively; And whereas it is expedient to provide proper and sufficient means for enforcing the said hypothec, mortgage and lien, and for giving effect thereto on default being made by any of the said Companies: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. Whenever any sum of money has been or shall be paid by the Province for principal money or interest on any Provincial Debentures issued to or on account of any Railway Company under the said recited Acts, or any of them, and whenever the said Company has failed or shall hereafter fail to repay the same with all interest accruing thereon to the Province, it shall be lawful for the Governor in Council to order a notice in writing, to be signed by any person named in such Order, and to be served together with a copy of the said Order in Council on the said Company, by delivering the same to the President, Vice-President, Superintendent, Managing Director or other principal officer of the said Company, which notice shall state the amount claimed as due to the Province, with interest calculated up to the expiration of twenty-one days after service of the notice, and the intention of the Governor to cause proceedings to be taken under this Act for the recovery of the amount thereof at the expiration of the said twenty-one days.

Notice to be served upon Railway Company failing to pay principal or interest due to the Province.

2. In case the said Company, at the expiration of the said period of twenty-one days, shall fail to pay the amount claimed in such notice, it shall be lawful for the Governor to pass an Order in Council authorizing any person, to be therein named, and such person shall thereby be authorized in Her Majesty's name, to enter upon and take possession of the road and other real property of the said Company, and to seize

In case of non payment within twenty-one days from service of notice, road, &c., to be taken possession of in Her

Majesty's
name, under
order in Coun-
cil.

and take possession of the rolling stock, plant, goods, chattels and effects of the said Company; and such Order in Council shall have the force and effect of a Writ of Extent, if executed in Upper Canada, and of a Writ of *feri facias*, if executed in Lower Canada, and the person named in the said Order in Council shall have full power to execute the same and to enter upon, seize and take possession of the said road, real property, and all rolling stock plant, goods, chattels and effects wheresoever situate (or any part of the said rolling stock, plant, goods, chattels and effects in the name of the whole,) and for those purposes shall possess all the power vested by law in a Sheriff for the enabling him to execute a Writ of Extent in Upper Canada, or of *feri facias* in Lower Canada.

Person charg-
ed with exe-
cution of writ
to deliver
possession,
when obtained,
to Commis-
sioners of
Public Works
and make
return to the
Governor in
Council.

3. Upon the execution of any such Order in Council, and upon possession of the said road, real property, rolling stock, plant, goods, chattels and effects being thereunder obtained, the person charged with such execution thereof shall immediately thereupon deliver the same respectively into the possession of the Commissioners of Public Works, and shall forthwith make a return to the Governor in Council of his having executed the same, and shall also return a schedule or inventory of the rolling stock, plant, goods, chattels and effects so taken, and of the delivery as aforesaid of the said road, rolling stock, plant, goods, chattels and effects into the possession of the Commissioners of Public Works, and the said Commissioners of Public Works shall retain possession of the same under their superintendence, management and control, and shall, in respect thereof, have such powers, authority and capacities as are provided by an Act passed in the ninth year of Her Majesty's Reign, chapter thirty-seven, intituled, *An Act to amend the Law constituting the Board of Works*, and by any Acts of the Parliament of this Province in that behalf, subject to such regulations, in respect to the same, as may from time to time be prescribed by the Governor in Council.

If debt not
paid within
three months
after seizure
Governor may
order sale or
lease of road,
&c.

4. If at the expiration of three months from the period at which possession shall have been so taken under the Order in Council as aforesaid, the sum of money paid by the Province, and claimed in the notice hereinbefore mentioned, shall remain unpaid, together with any interest thereon, and, together with any sum by which the expenditure in the interim in the superintendence, management and control of the said road by the Commissioners of Public Works, shall have exceeded the receipts therefrom; the Governor in Council may order that the said road, real property, rolling stock, plant, goods, chattels and effects, shall be sold or leased, and, as the case may be, authorize the Commissioners of Public Works to sell and dispose of, or to lease the same upon such terms, regulations and conditions as may be prescribed in such Order, and such Order shall, if a sale of the said road, real property, rolling stock, plant, goods, chattels and effects be thereby ordered, have the force and effect of a Writ of

venditioni exponas either in Upper or in Lower Canada, and the Commissioners of Public Works shall thereunder have full power to execute the same, and to sell the said road, real property, rolling stock, plant, goods, chattels and effects, and for
 5 those purposes shall possess all the powers vested by law in a Sheriff for enabling him to execute a writ of *venditioni exponas*; and such Order shall, if a lease of the said road, real property, rolling stock, plant, goods, chattels and effects be thereby ordered, authorize the said Commissioners of Public
 10 Works to demise and lease the said road for such term, and upon such regulations and conditions as may be prescribed as aforesaid.

5. It shall be the duty of the Commissioners of Public Works, upon entering into possession of the said road, real property,
 15 rolling stock, plant, goods, chattels and effects under the third section of this Act, to cause to be kept an account of the receipts, disbursements and transactions of, for and on account of the said Company, and if at the expiration of three months from such possession, and upon proceeding to a sale or lease
 20 of the said road, real property, rolling stock, plant, goods, chattels and effects, under the fourth section of this Act, any sum of money or balance thereof shall be due to the Company in respect thereof, the same shall be carried to the credit of the said Company on the claim so made by the Order in Council;
 25 and if any sum of money, or balance thereof, shall be due to the Province in respect thereof, the same shall be added to the claim so made by the Order in Council, and be equally therewith a lien on the said road, real property, rolling stock, plant, goods, chattels and effects, and be payable out of the proceeds
 30 of the sale or demise of the said road, real property, rolling stock, plant, goods, chattels and effects.

Commissioners of Public Works to keep account of working of Road.

Balance to be credited or charged to Company.

6. Whenever a sale or lease of any road, real property, rolling stock, plant, goods, chattels and effects shall take place under this Act, the Commissioners of Public Works shall
 35 stand possessed of the proceeds thereof, and of any securities taken therefor as they may receive the same to apply in full payment or in reduction from time to time (as the case may be) of the claim of the Province against the Company, as ascertained as hereinbefore mentioned; and if after full payment of
 40 such claim of the Province, any balance or sum of money shall be remaining, the same shall be paid or any securities therefor deposited in the Court of Chancery for Upper Canada or in the Superior Court for Lower Canada, or as such Court shall direct, for payment or appropriation to the said
 45 Company or to any creditors thereof in due course of Law.

Proceeds of sale or lease to be applied to payment of debt, and balance, if any, to be deposited in Court.

7. The vendee or lessee, or his assigns, under any Order in Council as hereinbefore mentioned, shall, for the working, management, repair or construction or reconstruction of the said road, real property, rolling stock, plant, goods,

Vendee or Lessee to have rights and liabilities of Company.

chattels and effects, have, enjoy and exercise all the corporate rights, powers, and authorities and duties of the company by whom the road was originally constructed or owned, subject to any alterations and conditions that may be provided in any Act or Acts to be hereafter passed, and also to such alterations as the said Order in Council may effect, but he or they shall nevertheless remain individually liable for all engagements which he may enter into in respect of such obligations as may be imposed by the said Order in Council or otherwise. 5

Charges and claims having priority to those of the Province.

8. The possession of any such road, real property, rolling stock, plant, goods, chattels and effects or the sale or lease thereof under this Act, shall be subject to any charge or claim having priority to the lien of the Province. 10