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No. 62.

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4th Session, 3d Parliament, 14 Victoria, 1851.

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## BILL.

An Act to empower the St. Lawrence and Lake Champlain Railroad Company to make a Branch Road to the Province line east of the River Richalieu, and to construct a Bridge over the said river.

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Received and read a first time, Thursday, 5th June, 1851.

Second reading, Wednesday, 11th June, 1851.

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Mr. DEWITT.

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**BILL.**

An Act to empower the St. Lawrence and Lake Champlain Railroad Company to make a Branch Road to the Province line east of the River Richelieu, and to construct a Bridge over the said River.

**W**HEREAS the Company of Proprietors of the Champlain and St. Lawrence Railroad, incorporated under and by virtue of an Act of the Legislature of the Province of Lower Canada, passed in the second year of the Reign of His late Majesty King William the Fourth, and intituled, "*An Act for making a Railroad from Lake Champlain to the River St. Lawrence,*" have, by their petition to the Legislature, represented that they are desirous of making a Branch from some point on their Railroad between Isle aux Noix and Rouse's Point across the River Richelieu to the Province line on the east side of the said River, there to connect with the American Railroads leading to the great cities on the Atlantic Ocean, and have prayed that the powers necessary for this purpose, and certain other powers required for the better management of their business, be granted to the said Company; and whereas the said Branch Railroad, if carried over the said River Richelieu on a suitable Bridge or Viaduct, so as to avoid the delay, damage and inconvenience attending any change of carriages, would tend greatly to facilitate the communication between the whole valley of the River St. Lawrence and the Atlantic Ocean, to increase the trade passing down the said river from the great lakes and the Western Country, and to augment the revenue of the Canal and Public Works of this Province, and it is therefore expedient, under suitable provisions and conditions, to grant the prayer of the said Company; Be it therefore enacted, &c.,

That the said Company of Proprietors of the Champlain and St. Lawrence Railroad shall have full power and authority to construct a Branch Railroad from some point on the railroad they are now authorized to make, to a point on the River Richelieu between Isle aux Noix and the Province line, thence across the said river upon a proper bridge or viaduct as hereinafter mentioned, to the eastern bank thereof, and thence to some point on the Province line in the County of Rouville.

*Company may make a Branch Road and a Bridge.*

Within what limits the Bridge shall be built.

II. And be it enacted, That the said Company shall have full power and authority to construct, within the limits aforesaid, a bridge or viaduct over the said River Richelieu, for the purpose of carrying their said Branch Railroad over the said River, and for that purpose to 5 take, use, occupy and hold, but not to alienate, so much of the public beach or beach-road, or of the land covered with the waters of the said River Richelieu, or of any island belonging to the crown, and whether such beach, beach road or land covered with water form part of or 10 adjoin the main shore of the said river or any island therein, as may be required for the said bridge or viaduct and the abutments, piers and other works thereunto appertaining or necessary for the proper use thereof; Pro- 15 vided always, that such lands shall not be taken, nor the said bridge or viaduct erected except in accordance with the provisions of this Act, and by permission of the Governor of this Province, and subject to any conditions he shall think proper to impose; nor shall any land vested in the Principal Officers of Her Majesty's Ord- 20 nance be taken without their consent.

Proviso.

Bridge to have a certain height, &c.

III. Provided always, and be it enacted, That the lowest part of the arch or frame work of the said bridge carrying the road-way shall be at least *five* feet above the level of the highest water, and the clear width or span of 25 the openings between the piers in such places as will be used for the passage of rafts and vessels shall not be less than *sixty* feet, that there shall be at the main channel of the river a draw or swing-bridge of not less than *sixty* feet clear opening between the piers or abutments, or the abut- 30 ment and a pier, as the case may be: and the said Company shall be subject to such regulations with regard to the opening of such draw-bridge or swing-bridge for the passage of vessels and rafts, as the Governor in Council shall direct and make from time to time; nor shall it be lawful for 35 the said Company to construct such bridge or any part thereof until they have submitted the plan of such work to the Governor in Council, nor until the same shall have been approved by him; nor shall the same be used by the said Company for any purpose unless it be constructed 40 in all respects according to a plan so approved.

Regulations to be made as to opening draw-bridge.

Plan to be approved.

Penalties may be imposed by such regulations.

IV. And be it enacted, That by any regulations to be made by the Governor in Council touching any such draw-bridge or swing-bridge as aforesaid, penalties not exceeding *ten pounds*, in any case, may be imposed for 45 the contravention thereof; and such penalties shall be recoverable with costs from the said Company, or from any of their officers or servants by whom the regulations shall have been contravened, or by the said Company from any party contravening the same, by civil action as 50 a debt due to the Company or to such party as aforesaid, (as the case may be,) upon the evidence of any one credi-

ble witness; and any officer or servant of the Company shall be a competent witness for or against the Company if he have no direct interest in the suit; and such penalty may be recovered separately from and in addition to the 5 damages (if any) occasioned by such contravention, in any Court having jurisdiction to the amount.

V. And be it enacted, That the said bridge shall be so constructed as to be used also as a toll bridge for the passage of persons, vehicles and animals over the 10 said river, and shall be open to the public for such purposes on payment of tolls not exceeding those hereinafter mentioned, at all times except when any locomotive engine or railway train is passing or immediately about to pass the same, or when the draw bridge or 15 swing bridge is open for the passage of any vessel or raft, in accordance with the regulations to be made as aforesaid; and the said Company shall be entitled to demand and receive for persons, vehicles and animals passing over the said bridge, and before they shall be 20 compellable to allow the same so to pass, such tolls as the Directors shall from time to time appoint and post up in both languages on proper sign-boards to be placed at each end of the said bridge, provided such tolls do not exceed the following rates, that is to say:—

Bridge to be used also as a toll bridge for vehicles, &c.

Tolls limited.

For every four-wheeled carriage drawn by a single horse or other beast of draught, with the driver, *Seven pence half-penny.*

For every two wheeled carriage or winter vehicle drawn by a single horse or other beast of draught, with the driver, *Six pence.*

For every additional person in such vehicle, *One penny.*

For every additional horse or beast to such vehicle, *Four pence.*

For every horse and the rider thereof, *Six pence.*

For every person on foot, *One penny.*

For every horse, mare, mule or other beast of draught, *Four pence.*

For every bull, ox, cow, or other horned cattle, *Three pence.*

For every sheep, pig, goat, calf or lamb, *One penny.*

For any unenumerated animals or things, in like proportion.

VI. And be it enacted, That provided the said bridge 25 be built and completed within the period hereinafter limited, then during a period of \_\_\_\_\_ years from the passing of this Act, no other toll bridge shall be built over the said river between the upper or southern limits of the exclusive privilege granted to 30 Robert Jones and his assigns and the Province line; provided that the privilege granted by this section shall

Privilege granted to the Company.

Proviso.

Proviso. cease if at any time the said Company shall allow the said bridge to be for *two* consecutive months unfit or unsafe for the passage of vehicles, persons and animals aforesaid; and provided also that the exclusive privilege hereby granted shall not extend to prevent the establishment or use of any ferry within the limits aforesaid, or the construction of any bridge for the passing of any rail road, under the authority of any Act of the Legislature. 5

Roads to be made to the bridge. VII. And be it enacted, That the said Company shall make a suitable and proper road for vehicles of all kinds, from the main public road on each side of the said river to their said bridge, with proper approaches thereto, so that such vehicles may pass conveniently from the said main road to the said bridge, and the roads so to be made by the said Company shall be held to be part of works hereby authorized, and land may be taken for the same by the Company in like manner as for their said branch railroad or other works. 10 15

Company may borrow a further sum of money. VIII. And for the purpose of enabling the said Company to carry out the improvements aforesaid, it shall be lawful for them to borrow from time to time, in this Province or elsewhere, such sums of money as they may find necessary, not exceeding the sum of *fifty thousand* pounds, over and above the sums they are now by law authorized to borrow; and such sum may be borrowed, made payable and secured, under the provisions made by the third Section of the Act passed in the Thirteenth and Fourteenth years of Her Majesty's Reign, and intitled, "*An Act to authorize the Company of Proprietors of the Champlain and Saint Lawrence Railroad to extend the said road, and for other purposes,*" and at any rate of interest not exceeding that limited in the said section, which shall apply to the sum hereby authorized to be borrowed, as if it formed part of the given sum which by the said section the Directors are empowered to borrow. 20 25 30 35

13 & 14 Vict. c. 114.

Tolls may be taken by Company. IX. And be it enacted, That it shall be lawful for the said Company from time to time, to ask and demand, take and recover for all goods, wares, merchandise, and commodities, and for any passengers conveyed over the branch railroad they are hereby empowered to construct, the same and no higher rates for each and every mile they may be so conveyed, as they are by the Act last above cited and the other Acts incorporating or relating to the said Company, empowered to ask, demand, take and recover on other portions of their railroad, and with like power to fix the sums to be charged for carrying small parcels; Provided always, that the by-laws fixing any such tolls shall be subject to all the provi- 40 45 50

Proviso.

sions made by the said Act with regard to by-laws fixing tolls.

X. And be it enacted, That the Act last above cited and all the provisions thereof shall (except only in so far as they may be inapplicable or inconsistent with the provisions of this Act) apply to the branch railroad and other works which the said Company are hereby empowered to construct, and to the lands required for the same, as fully as to the branch railroad and other works mentioned in the said Act, or as they would do if the branch railroad and other works mentioned in this Act formed part of those which the Company are empowered to construct by the said Act; and that subject to the provisions of this Act and of the Act last above cited, the provisions of the Act incorporating the said Company, passed in the second year of the Reign of King William the Fourth, and intituled, "*An Act for making a Railroad from Lake Champlain to the River St. Lawrence,*" as modified by the subsequent Act and ordinance, amending the same, shall apply to the branch railroad and works to be constructed under this Act, which shall, when completed, form part of and together with the present Railroad shall be and be called "*The Champlain and St. Lawrence Railroad.*"

Provisions of certain Acts to extend to their works, authorized by this Act.

2 W. 4. c. 58.

XI. And be it enacted, That for and notwithstanding anything in the said Act incorporating the said Company, or in any other Act thereunto relating, any person being the proprietor of the requisite amount of the stock of the said Company, and otherwise qualified to become a Director thereof, may be elected and be such Director although he be not a subject of Her Majesty by birth, naturalization or otherwise.

Aliens may be Directors.

XII. And be it enacted, That for and notwithstanding anything in any such act as aforesaid, it shall be lawful for the said Company to subscribe for, purchase, and hold shares in the stock of any other rail road company, either in this Province or the United States, and to pay for the same, and to pay all calls or instalments upon the same out of any money belonging to the said Company.

Company may hold stock in other rail-roads.

XIII. And be it enacted, That nothing herein contained shall be construed to except the said branch road and other works mentioned in this Act from the provisions of any general Act relating to railways which may be passed during the present or any future session of Parliament; and that no further provisions which the Legislature may hereafter make with regard to the form, and times and details of the accounts to be laid before the Legislature by the Company, or the mode of attesting or rendering the same, shall be deemed an infringement of the privileges of the Company.

Branch, &c. to be subject to any general Act.

Branch Road  
and Bridge to  
be completed  
within a  
certain time.

XIV. And be it enacted, That the said Company shall construct, and complete the said Branch Rail-road and Bridge, within            years from the passing of this Act, and shall make and fyle the Plan and Book of Reference required with regard to the same, within two years from 5 the passing hereof, in the manner prescribed by the seventh section of the said Act, passed in the session held in the thirteenth and fourteenth years of Her Majesty's Reign, otherwise their right to make such Branch Rail-road and Bridge shall cease. 10

Public Act.

XV. And be it enacted, That this Act shall be a public Act.