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4th Session, 3rd Parliament, 14 & 15 Vict., 1851.

BILL.

An Act to incorporate *The Montreal,
Ottawa and Kingston Grand Trunk
Railroad Company.*

Received and read a first time, Monday, 23rd
June, 1851.

Second reading, Tuesday, 24th June, 1851.

Mr. MALLOCH.

BILL.

An Act to Incorporate the Montreal, Ottawa and Kingston Grand Trunk Railroad.

WHEREAS the making and maintaining of a Railroad from Preamble.
or near to the City of Montreal or to Lachine, in and
through the several Parishes or places hereinafter mentioned,
to the City of Kingston, in this Province, with Branch
5 or Tram Roads, from St. Eustache, St. Thérèse or Isle Jésus,
and from Caledonia Springs up the Valley of the Petite Nation
River through the Township of Mountain, as hereinafter men-
tioned, will be of advantage to the inhabitants of the said
places and also of great public utility ; and Whereas the several
10 persons hereinafter named, are desirous to make and maintain
such Railroad and for that purpose to be incorporated therefor:
Be it enacted, &c.;

That Charles A. Low, Benjamin Lyman, David Torrance,
Robert Cross, William Carter, William Cowan, N. S. Whitney, Constitution of
Company.
15 H. Seymour, Alexander Bryson, John Smyth, Henry Mulholland,
J. H. Joseph, John Frothingham, H. B. Smith, George Bent, C.
Dorwin, James P. Cowan, S. P. Tilton, John G. Dinning,
Walter Macfarlane, W. Easton, A. Hall, Joseph Knapp, J. A.
Perkins, D. Busteed, J. H. Abbott, Edwin Atwater, J. A. Ber-
20 thelot, Alfred Morson, Wm. Rodden, Henry Thomas, J. Torrance,
J. Carter, Benj. Brewster, John Molson, M. Hays, Hector Rus-
sel, A. M. Delisle, R. B. Johnson, William Parker, H. H.
Whitney, George Weeks, John T. Badgley, J. Wilfred A. R.
Masson, H. L. Routh, M. H. Seymour, John Thomson, Robert
25 Hamilton, R. Roberts, James Gibb, A. D. Bell, B. B. Bell,
William Petry, Henry Atkinson, J. Porter, David D. Young,
George Beswick, Robert Mitchell, Robert Cassels, William
Gunn, A. Laurie, P. R. Poitras, Charles A. Holt, William
Walker, Junr., J. M. Muckle, J. R. Young, M. Stevenson,
30 William Stevenson, D. Fraser. Joseph Parke, D. Burnet, J. M.
Fraser, R. Peniston, Duncan Patton, John Smith, John Ross,
James Turnbull, Edmond Sewell, Greaves Clapham, William
Price, A. John Maxham, D. R. Steuart, Alexander Borrowman,
Alexander Provan, Thomas Gibb, C. H. Ross, Duncan McPherson,
35 H. Lemesurier, R. V. Cassels, James Ross, P. Sheppard,
Henry Burstall, James Gillespie, J. B. Forsyth, James Dean,
Junr., Hugh Murray, Andrew Patterson, Robert Shaw, J. B.
Renaud, W. K. Baird, Henry W. Welch, D. McPherson, Ben-
son Bennet, J. H. Clint, William G. Wurtele, James J.
40 Wilson, Junr., Archibald Campbell, H. J. Noad, William Stubbs,
E. Chinic, George H. Simard, Adam Burns, Yves Tessier,
Julien Chouinard, A. Hamel & Brothers, J. Thibodeau. E. A.
Frechette, A. Cote, P. Boisseau, P. E. Deblois, L. Tetu, L.
Bilodeau, W. S. Henderson, L. G. Baillairgé James Henry,

John Munn, E. J. Horan, Ptre., J. Z. Nault, Madame Masson, par J. B. Raby, J. O. Alfred Turgeon, J. B. Turgeon, G. Raby, A. Mackenzie, J. McKenzie, G. M. Prevost, P. Marier, C. Smallwood, J. L. De Bellefeuille, W. H. Scott, F. E. Globensky, A. Kimp- 5
 ton, John Oswald, David Morris, J. J. Girouard, James Watts, Dr. L. Demouchel, F. H. Lemaire, H. Demouchel, W. Morrin, Robert Simpson, Frank Farish, Nelson Davis, Charles Wales, Duncan Dewar, Duncan Sinclair, C. J. Forbes, Stanfield Forbes, L. Cushing, Rinaldo Fuller, Thomas Kains, George Kains, George Hamilton, John Hamilton, Thomas Higginson, Charles 10
 Hersey, H. B. Wyman, C. M. Everitt, H. W. McCann, John Watson, James Stirling, Neil Stewart, James P. Wells, Charles P. Treadwell, Ch. Johnson, William Coffin, J. L. Wilkinson, James Brock, Alexander McPhee, William Bradley, John Kearnes, James McCaul, W. M. Dole, W. J. Kay, Archibald Petrie, 15
 William Wilson, G. G. Dunning, Thomas McKay, John McKinnon, Charles Sparrow, Alexander Workman, R. W. Scott, N. Sparks, Edward McGilvery, Hamnett Hill, Joseph Aumond, J. B. Lewis, Edward Griffin, William Stewart, J. Durie, Richard Ste- 20
 them, Clements Bradley, George Dyett, Daniel O'Connor, J. Barreille, Thomas McGoey, Gerrard McCrea, John Egan, Charles Symms, James Thomson, Robert Conroy, Peter Aylen, W. Merrick, Hamnett Pinhey, John Thomson, R. Matheson, Thomas M. Thomson, John P. Grant, W. A. Buell, F. G. Hall, M. McDonall, Alexander Bane, James M. Erskine, W. & F. Mair, James Shaw 25
 & Sons, John C. Malloch, Robert Douglass, James Bell, J. Deacon, Jr., C. H. Bell, James Wilson, John Haggerty, James Thompson, John MacKay, W. R. F. Berford, A. Fraser, George Cox, Josiah Ritche, Joshua Adams, James Allan, John Doran, Robert Elliott, John Kilburn, F. M. Hill, Thomas Kirkpatrick, 30
 K. Mackenzie, J. O'Reilly, A. Campbell, Robert Jackson, Archibald J. Macdonell, Joseph Milner, John Counter, Thomas A. Corbett, John Watkins, Samuel Muckleston, A. Cameron, Thomas Deykes, Donald McIntosh, James A. McDowall, Robt. Stewart, M. W. Strange, Robert L. Innes, William Anglen, Robt. 35
 McCormick, John Breden, Thomas Wilson, F. D. Ferris, William Ferguson, George Davidson, William Ford, Jr., John R. Forsyth, and every other person who shall become a subscriber to the said undertaking, shall be and are hereby united into one Com- 40
 pany for making, completing, and maintaining the said Rail- road and Works, by this Act authorised to be made and executed according to the rules, orders, and directions, herein- after mentioned, and for that purpose shall be one body corpo- 45
 rate, until the year 1950, by the name and style of the "*Mon- treal, Ottawa and Kingston Grand Trunk Railroad Com- pany.*"

Company may
 acquire lands
 for purposes of
 the Road.

II. That the said Company shall have power and authority to acquire purchase and hold of any person, any lands and hereditaments to them and their successors, and assigns for the use of the said undertaking and works, and also to alienate 50
 sell, and dispose of the said lands and hereditaments again, in manner by this Act directed, without Her Majesty's *Lettres d'amortissement* and without incurring any of the penalties and forfeitures of the statute of mortmain, but saving, however, the seigniorial *droit d'indemnité*, and all other seigniorial rights 55
 whatever, if such exist in or upon any of the said lands and hereditaments.

III. That the said Company shall have power and authority by themselves, their deputies, agents, officers, workmen and

servants, to make complete and maintain a Railroad with proper works and conveniences thereto adjoining or connected therewith, with one or more sets of Rails or Tracts, for the passage of waggons, carts and other carriages properly constructed and to be worked by locomotive engines, or in such other mode as the said Company shall deem meet and expedient, commencing at any convenient place, at or near to the City of Montreal or to Lachine, and thence to some place, at or as near as conveniently may be to Kingston, and extending to and passing through or into the several Townships, Parishes, or places following to wit, across Isle Jésus by the Villages of Saint Thérèse or Saint Eustache to the Village of Saint Andrews, recrossing the Ottawa River at a point between Carillon and Grenville, thence through Hawkesbury, LOrignal and Caledonia Springs to the Town of Bytown, and thence through Richmond, and Perth to Kingston aforesaid, with Branch Roads, from the Villages of Saint Eustache or Saint Thérèse or Isle Jésus, aforesaid, in a northern direction to the distance of forty miles, and also from the said Caledonia Springs, up the valley of the Petite Nation River, through the Township of Mountain in the County of Dundas, and to make and construct all such embankments, bridges or other works either temporary or permanent, as the said Company shall deem necessary or convenient for the making and constructing of the said Railroad across or over the River Ottawa, or across or over any other river, canal, brook, stream or other water, or across or over any hill or valley, and to erect and construct such building, engine, machinery, apparatus and other works, either temporary or permanent, for the purposes of this Act, as the said Company shall think expedient; and to erect and construct such wharf, warehouse, store and other building, at either termination thereof, and at such other place along the line of the said Railroad and Branches, as the said Company shall think expedient; and to build, purchase, hold and use one or more steamboat or other vessel to ply on the waters of the Rivers Saint Lawrence or Ottawa, or either, as the said Company may think expedient.

Power to enter upon lands for purposes of Road.

IV. And be it enacted, That for the purposes aforesaid, the said Company, their deputies, agents, officers, workmen and servants, shall have power and authority to enter into and upon any lands of Her Majesty, not hereinafter excepted, or of any person whatsoever, and to survey and take levels of the same or any part thereof, and to set out, ascertain, and appropriate such parts thereof as they shall think necessary and proper for making the said Railroad and Branches and works hereby authorised to be made, and all such works, matters and conveniences as they shall think proper and necessary for making, effecting, preserving, improving, completing, maintaining and using the said Railroad and Branches and 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 gotten in making the said Railroad and Branches or 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, maintaining, altering or repairing the said Railroad and Branches or works, or which may hinder, prevent or obstruct the making, using or completing, extending or maintaining the same respectively, according to the intent and purpose of this Act; and to make,

Power to make survey, &c.

build, erect and set up in or upon the said Railroad and Branches, or upon their lands adjoining or near to the same respectively, such and so many houses, warehouses, toll-houses, watch-houses, telegraphs, or other signals, weighing beams, cranes, fire engines, steam engines or other engines either stationary or locomotive, inclined planes, machines and other works, ways, roads and conveniences, as and when the said Company shall think requisite and convenient for the purposes of the said Railroad and Branches 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 Railroad and Branches, and to turn and change the course of any river not being a navigable river, or of any brook, stream or other water, the course 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, extending, preserving, improving, completing and easy using of the said Railroad and Branches and works, in pursuance of and according to the true intent and meaning of this Act; they the said Company, their deputies, agents, servants and workmen, doing as little damage as may be in the execution of the several powers to them hereby granted, and making satisfaction in manner hereinafter mentioned to the owners or proprietors of or the persons interested in the lands, tenements or hereditaments, water, water course, brook, or river respectively, which shall be taken or used, or of which the course shall be altered, or for all damages to be by them sustained in or by the execution of all or any of the powers granted by this Act; and this Act shall be sufficient to indemnify the said Company and their deputies, agents, officers, workmen and servants, 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 provisoes and restrictions as are hereinafter mentioned.

Satisfaction to be made for damages.

Precautions where the Road shall cross a highway.

Proviso.

V. And be it enacted, That where the said Railroad or Branches shall cross any public highway, which word shall in this Act include all public roads, streets, lanes, or other public ways or communications, the ledge or flange of such Railway for the purpose of guiding the wheels of the carriages, 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 by the said Company for the purpose of carrying the said Railroad or Branches, over or across any public highway, the space of the arch of any such bridge shall be formed, and shall at all times be and be continued of such breadth as to leave a clear open space under every such arch of not less than fifteen feet, and of a height from the surface of each public highway to the centre of such arch, of not less than sixteen feet; and that at all places where it may be necessary to erect, build or make any bridge for carrying any public carriage road or highway over the said Railroad or Branches, the ascent of every such bridge for the purpose of every such road, shall not be more than one foot in thirteen 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.

VI. And be it enacted, That the said Company shall at each and every place where the said Railroad or Branches shall
 5 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
 10 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 £5, currency.

Further precautions.

VII. And be it enacted, That for the purposes of this Act, the Company shall and may by some sworn Land Surveyor
 15 and by an Engineer by them to be appointed, cause to be taken and made, surveys and levels of the lands through which the said Railroad and Branches are to be carried, together with a map or plan of such Railroad and Branches, and of the course and direction thereof, and of the lands through which the same are
 20 to pass, and the lands intended to be taken for the several purposes authorised by this Act; so far as then ascertained, and also a book of reference for the said Railroad and Branches in which shall be set forth a general description of the said lands, and the names of the owners, occupiers and proprietors thereof,
 25 so far as they can be ascertained by the said Company, and in which shall be contained every thing necessary for the right understanding of such map or plan; which said map or plan and book of reference shall be examined and certified by the person performing the duties formerly assigned to the Surveyor General or his Deputies, who shall deposit copies thereof in the
 30 office of the Prothonotary of the Superior Court in the District of Montreal, and also in the office of the Secretary of the Province, and shall also deliver one copy thereof to the said Company; and all persons shall have liberty to resort to such copies
 35 so to be deposited as aforesaid, and to make extracts or copies thereof as occasion shall require, paying to the said Secretary of the Province, or to the said Prothonotary, at the rate of six pence
 current money of this Province for every hundred words and the said triplicates of the said
 40 map or plan and book of reference so certified, or a true copy thereof certified by the Secretary of the Province or by the Prothonotary of the said Superior Court, shall be and is and are hereby declared to be good evidence in any Court of Law and elsewhere.

Company by a sworn Surveyor or Engineer shall take surveys and levels of the lands through which the Railroad is to be carried, and make a map or plan.

Plan and book of reference to be made and deposited.

The same to be examined and deposited.

Copies or extracts may be taken and used.

6d.

VIII. And be it enacted, That the said Company, in making the said Railroad or Branches shall not deviate more than one
 45 mile from the line of the Railroad or Branches or from the places assigned to the several works of the Company, in the said map or plan and book of reference, nor cut, carry, place, lay
 50 down or convey the said Railroad or Branches into, through, across, under or over any part of the lands shown and mentioned in such map or plan and book of reference, as being required for such purpose, or as being within one mile of the said line and of the said places assigned, (save in such instances as are
 55 herein specially provided for,) without the consent of the person who could, under the provisions of this Act, convey such lands.

Company not to deviate more than one mile from the line to be shown in the map aforesaid.

Except by consent of parties.

IX. And be it enacted, That the said Company may make, carry or place their said intended Railroad, Branches and

Errors in the book of refer-

ence not to prevent the making of the Road, on the line shewn or within the limit of deviation.

works, into, across or upon the lands of any person whomsoever on the line aforesaid, or within the distance aforesaid from such line, although the name of such person be not entered in the said book of reference through error, want of sufficient information or any other cause, or although some other person be erroneously mentioned as the owner of or entitled to convey, or interested in such lands. 5

Quantity of Land which may be taken.

X. And be it enacted, That the said lands 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 Railroad and Branches 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 Railroad and Branches to lie or pass each other (and not above one hundred yards in breadth in any such place, or where any house, warehouse, wharf, toll-house, watch-house, weigh-beam, crane, fixed engine or inclined plane 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. 10 15 20

Taking beach lots, crossing rivers, &c.

XI. 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 St. Lawrence, or of the land covered with the waters of either of those rivers, as may be required for the said Railroad and Branches and other works; Provided always, 25

Proviso.

that the said Company shall not cause any obstruction in or impede the free navigation of the said Rivers, or of any other navigable river to or across which the said Railroad and Branches shall be carried; and whenever the said Railroad shall be carried across any navigable river, the said Company shall adopt such means by the elevation of the bridge, or by the construction of a drawbridge or swing bridge, to ensure the passage of rafts and vessels, as the Governor in Council shall direct, upon a plan of the same being submitted to and approved by the Governor in Council; nor shall the said Company construct any 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 in Council, nor until the same shall have been approved by him in Council as aforesaid: and 30 35 40

Bridges.

it shall be lawful for the said Company to employ and use any bridge which they may construct as a toll-bridge, and from time to time and at all times, to ask, demand, receive, recover and take to and for the proper use, benefit and behoof of the said Company, their successors and assigns, a toll from every person passing on any such bridge, and on any carriage, animal, goods and property of any kind that may pass over any such bridge, such toll to be imposed, regulated, recovered and received as hereinafter provided; And it shall also be lawful for the said Company to sell and alienate or to lease such toll-bridge, or the right to levy such toll on the said toll-bridge, to any party whatsoever. 45 50 55

Parties empowered to convey to the Company.

XII. And be it enacted, That it shall and may be lawful for any person whatsoever, *grevé de substitution*, guardian, curator, executor, administrator and trustee, not only for and on behalf

of himself, his heirs and successors, but also for and on behalf of those whom he represents, whether an infant, issue unborn, lunatic, idiot, *feme covert*, or other person who is or shall be seized, possessed of or interested in any such lands to contract
 5 for, sell and convey unto the said Company all or any part thereof, and any contract, agreement, sale, conveyance and assurance 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,
 10 and that any person whatsoever, so conveying as aforesaid, is hereby indemnified for what he shall respectively do by virtue of or in pursuance of this Act.

XIII. Provided always, and be it enacted, That any person
 15 whosoever, who cannot in common course of law sell or alienate any such lands, shall agree upon a fixed annual rent as an equivalent, and not upon a principal sum, to be paid for the said lands; and in case the amount of such rent shall not be fixed by voluntary agreement or compromise, it shall be
 20 fixed in the manner hereinafter prescribed, and all proceedings shall in that case be regulated therefor 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
 25 of the purchase money of any land which the vendor shall agree to leave in the hands of the said Company, the said Railroad and Branches and the tolls to be levied and collected thereon shall be, and are hereby made liable and chargeable, in preference to any other claim or demand thereon whatsoever, the deed creating such charge and liability being duly registered.
 30

Compensation to be an annual rent in certain cases.

XIV. Provided always, and be it enacted, That whenever
 there shall be more than one proprietor of any land or property owned and held *par indivis* or in common, any agreement made
 in good faith between the said Company and any co-proprietor,
 35 or being together co-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 other proprietors and the Company; and the proprietor who shall have so agreed may deliver possession of such land or
 40 property to the Company, or empower them to enter upon the same, as the case may be.

Certain agreements made binding.

XV. And be it enacted, That it shall be lawful for the said
 Company to agree with the several owners or parties hereby
 empowered to convey the lands through which such Railroad
 45 and Branches shall be carried, or which may suffer damage from the making thereof, or from the exercise of any of the powers granted to the said Company by this Act, touching the compensation to be paid to them by the said Company for the purchase of the said lands and for the said damages, or as to the
 50 mode in which the said compensation shall be ascertained as to such owners or parties and the said Company shall seem expedient, and in case of disagreement between the said Company and the owners or parties, then all questions which shall arise between them and the said Company shall be settled
 55 as follows, that is to say:—

Company to settle with the owners of property.

The Company shall serve a notice upon the opposite party, containing—a description of the lands to be taken, and of the powers intended to be exercised with regard to any lands (de-
 Arbitration if the Company and party do not agree.

scribing 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, Branches 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 to 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,
 &c.

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.

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.

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.

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 the 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.

15 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, but if 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. Arbitration.

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

30 The Justice or Judge by whom any third Arbitrator or 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 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 paid by them. Arbitration.

45 If the Arbitrator appointed by the said Company or by 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 to act, then on proof thereof to the satisfaction of any 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, 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. Arbitration.

55 It shall be no disqualification to the Surveyor or other person offered or appointed as Valuator or Arbitrator, 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 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 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 Arbitrator 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 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.

Possession may be taken on payment or tender.

XVI. 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 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.

Case of incumbrance or defect of title provided for.

XVII. 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 be 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 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 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 claim, mortgage, hypothec or incumbrance, or if any party to whom the 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 compensation or rent cannot be found or be unknown to the Company, or if for any other reason the Company shall deem it advisable, it shall be lawful for them to pay such compensation into the 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 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 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 the lands or any part thereof, or representing or being the husband of any party 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 for ever bar all claims to the lands or any part thereof, (including dower not yet open,) as well as any mortgage, hypothec or incumbrance upon the same; and the 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 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 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 are expired, the Court shall order the Company to pay the Prothonotary the interest for such further period as may be right.

XVIII. Provided always, and be it enacted, That with regard to any lands which could not be taken without the consent of some party entitled under this Act to convey the same, or in any case in which the requirements of this Act shall not have been complied with, and in all cases where land shall have been taken or damage shall have been done by the Company without previously complying with the requirements of this Act, the rights of the Company and of other parties shall be governed by the ordinary rules of law.

Proviso as to lands which cannot be taken without the consent of a party who could convey, or when this Act shall not have been complied with.

All applica- XIX. And be it enacted, That all suits for indemnity for any
 tions for in- damage or injury sustained by reason of the powers and autho-
 demnity for rity given by this Act shall be made within six calendar
 damage done months next after the time of such supposed damage sustained,
 under this Act, to be made within a six calendar months next after the doing or committing such 5
 certain time. damage shall cease, and not afterwards, and the Defendant
 shall and may plead the general issue and give this Act and
 General issue, the special matter in evidence at any trial to be had thereupon,
 and may aver that the same was done in pursuance and by 10
 authority of this Act.

Penalty on XX. And be it enacted, That if any person shall by any
 persons ob- means or in any manner or way whatsoever, obstruct
 structing the or interrupt the free use of the said Railroad or Branches,
 free use of the or the carriages, vessels, engines or other works incidental 15
 Railroad. or relative thereto or connected therewith, or shall bring or
 conduct any raft to or within two hundred feet of any part of
 any wharf to be erected by the said Company, without their
 authority first had, such person shall for every such offence incur
 a forfeiture or penalty of not less than 20
 £5. nor exceeding currency
 £10. which shall be recovered by plaint before any Justice of the
 How recover- Peace for the District in which such offence shall occur.
 able and appli- cable.

Punishment of XXI. And be it enacted, That if any person shall wilfully
 persons break- and maliciously, and to the prejudice of the said Railroad 25
 ing down or or Branches break, throw down, damage or destroy the same or
 obstructing or any part thereof, or any house, warehouse, toll-house, watch-
 damaging the Railroad or weigh-beam, crane, carriage, vessel, engine, inclined
 the Railroad or any works of the Company. plane, machine or other work or device incidental and relative
 thereto or connected therewith, or do any other wilful hurt 30
 or mischief, or wilfully or maliciously obstruct or interrupt the
 free use of the said Railroad, vessel or work, or shall obstruct,
 hinder or prevent the carrying on, completing, supporting and
 maintaining the said Railroad or Branches, vessel or work,
 such person shall be adjudged guilty of a misdemeanor and 35
 on conviction thereof punished by fine and imprisonment at the
 discretion of the Court trying the offence, the said fine not to
 exceed £ and the said imprisonment not to exceed
 years.

Additional XXII. And be it enacted, That in order to enable the said 40
 capital may be raised. Company to make the said Railroad, Branches and works, and
 to carry on and complete the said undertaking, it shall be
 lawful for the said Company, to raise amongst themselves, a
 capital sum, not exceeding one million of pounds, currency,
 to be divided into forty thousand shares of twenty-five pounds, 45
 currency, each, and the said Charles A. Low, Benjamin Brewster,
 J. Wilfred A. R. Masson, H. H. Whitney, Charles Atwater,
 Benjamin Lyman, George Weekes, John Thompson,
 Robert Hamilton, D. R. Stewart, Archibald Campbell, Hugh
 Murray, L. Bilodeau, L. G. Baillargé, Francis M. Hill, 50
 Kenneth McKenzie, Hon. Roderick Matheson, W. O. Buel,
 William R. R. Lyon, Hon. H. H. Penhey, John Egan, John
 McKinnon, Joseph Aumond, Archibald Petrie, Charles B.
 Treadwell, George Hamilton, Charles Hersey, Samuel Cush-
 ing, Charles John Forbes, Robert Simpson, L. J. Girouard, 55
 William H. Scott, Alpheus Kempton, G. Raby, named in the first
 Section of this Act, shall be a provisional Committee for organiz-
 ing the said Company, and shall for the purpose of raising the said
 capital sum cause books of subscription to be opened in such

places as they may think fit, whereof notice shall be published in the *Canada Gazette* and also in some newspaper published in the city of Montreal in the English and French languages respectively, and in such other Newspaper as the said Committee shall direct, and every person who, or whose attorney, shall write his 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 share in the said capital of the said Company not paid up by him, and the said capital sum shall be laid out and applied in the first place for and towards the payment discharge and satisfaction of all expenses incurred for obtaining and passing this Act and for making the surveys, plans and estimates incident or relating thereto, and the remainder for and towards the making, completing and maintaining the said Railroad, Branches and works, and to no other use or purpose whatever.

XXIII. That the said shares shall be deemed personal estate, and shall be transferable as such and shall be and are hereby vested in the said several subscribers and their respective heirs, executors, curators, administrators and assigns: and any person who shall subscribe for one or more of the said shares and pay the said sum of twenty-five pounds for each share, or such sum as shall be demanded in lieu thereof, towards carrying on and completing the said Railroad and works, shall be deemed a proprietor of the said undertaking and shall be entitled to and receive, after the said Railroad and works shall be completed, the entire and net distribution of the profits and advantages that shall and may arise and accrue by virtue of the sum of money to be raised, recovered or received by the authority of this Act, in proportion to the number of shares so held; and every person, having such property of one share in the said undertaking, and so in proportion as aforesaid, shall bear and pay an adequate and proportional sum of money towards carrying on the said undertaking in manner by this Act directed and appointed.

How sums subscribed may be called in, &c.

Their liabilities.

XXIV. And be it enacted, That in case the said capital sum shall be found insufficient for the purposes of this Act, it shall be lawful for the Company to raise and contribute amongst themselves, in manner and form aforesaid, and in such shares and proportions as to them shall seem meet, or by the admission of new subscribers, a further sum of money for completing and perfecting the said Railroad, Branches and works, not exceeding the sum of five hundred thousand pounds currency; and every subscriber towards raising such further sum shall be proprietor in the said undertaking, and have a like right of voting in respect of his said share and be liable to the same obligations, and stand interested in all the profits and powers of the said undertaking, in the same manner as the subscribers to the original capital sum aforesaid.

If this sum should not be sufficient, the Company may raise a further sum for completing their undertaking.

XXV. And be it enacted, That the number of votes to which each Proprietor of shares in the said undertaking shall be entitled on every occasion when such votes may legally be given, shall be as follows: one vote for any four shares under two hundred: Provided always, that no one proprietor as aforesaid

Votes of Proprietors according to the number of their shares.

Proprietors shall have more than twenty-five votes; and all Proprietors of
may vote by shares whether resident in this Province or elsewhere, may
proxy. vote by proxy, if he shall see fit, provided such proxy do pro-
duce from his constituent an appointment in writing according
to the form following, that is to say : 5

Form of appointment of proxy. “I of one of the Proprietors of the
“ do hereby nominate, constitute, and appoint
“ of to be my proxy,
“ in my name, and in my absence to vote or give my assent or 10
“ dissent to any business, matter or thing relating to the said
“ undertaking, that shall be mentioned or proposed at any meet-
“ ing of the Proprietors of the said undertaking, or any of
“ them, in such manner as he the said shall
“ think proper, according to his opinion and judgment, for the 15
“ benefit of the said undertaking, or any thing appertaining
“ thereto. In witness whereof, I have hereunto set my hand
“ and seal, the day of in
“ the year .”

Questions to be decided by majority of votes. And such vote by proxy shall be as valid as if such principal 20
had voted in person; and every question, election of proper
Officers, matter or thing which shall be proposed, discussed or
considered in any public meeting of the Proprietors to be held
by virtue of this Act, shall be determined by the majority of
votes and proxies then present. 25

None but a British subject to be President or Treasurer. XXVI. Provided always and be it enacted, That no Proprie-
tor who shall not be a natural born subject of Her Majesty, or
a subject of Her Majesty naturalized under an Act of the Bri-
tish Parliament, or an Act of the Parliament of this Province,
or of either of the heretofore Provinces of Upper Canada or 30
Lower Canada shall be elected President or Manager of the
said Company.

The first General Meeting of the Proprietors to be held in XXVII. And be it enacted, That the first General Meeting
of the Proprietors for putting this Act in execution shall be
held at the City of Montreal whenever one thousand 35
shares in the said undertaking shall have been subscribed
for, provided that public notice thereof be given by the Provi-
sional Committee during three weeks in the manner hereinbe-
fore provided in the twenty-second section of this Act and
at such said General Meeting the Proprietors assembled, with 40
such proxies as shall be present, shall choose thirteen
persons being each a Proprietor of not less than twenty shares
in the said undertaking, to be Directors of the said Company,
in such manner as is hereinafter directed.

In the month of and of XXVIII. And be it enacted, That the Directors first appointed, 45
or those appointed in their stead in case of vacancy, shall re-
main in office until the election of Directors on the second
each year thereafter, a Board of Directors to be Tuesday in the month of January in the second year after
elected. their appointment and that on the said day in the said
year and each year thereafter, an Annual General Meeting of 50
the said Proprietors shall be held at the Office of the Company
for the time being to choose directors in the room of those
whose office may at that time become vacant, and generally to

Special Meetings of Proprietors may be called. transact the business of the Company; provided always that if
at any time it shall appear to any ten or more of such Proprie- 55
tors holding together two hundred shares at least, that a Spe-
cial General Meeting of Proprietors is necessary to be held, for

any special purpose connected with the affairs of the said Company, it shall be lawful for such ten or more of them to cause a similar notice to be given thereof as that provided in the twenty-second section in this Act, specifying in such notice the time and place, and the reason and intention of such Special Meetings, and the Proprietors shall then transact the matters so specified only; and all such acts of the Proprietors or the majority of them, at such Special Meetings assembled, such majority not having either as principals or proxies, less than two hundred shares, shall be as valid to all intents and purposes as if the same were done at Annual Meetings: And further Provided always, that it shall and may be lawful for the said Directors in case of the death, absence, resignation or removal of any person elected a Director to appoint another or others in the room or stead of such of the Directors who may die or be absent, resign or be removed as aforesaid, any thing in this Act to the contrary notwithstanding, but if such appointment be not made, such death, absence or resignation shall not invalidate the acts of the remaining Directors.

Quorum at Special Meetings.

Proviso: Vacancies among the Directors may be filled.

XXIX. And be it enacted, that each of the said Annual Meetings of Proprietors three of the said Directors shall retire in rotation, the order of retirement of the said first elected Directors being decided by lot, but the Directors then or at any subsequent time retiring shall be eligible for re-election: Provided always, that no such retirement shall have effect unless the Proprietors shall at such Annual Meeting proceed to fill up the vacancies so occurring in the Direction.

Three Directors shall annually retire, by lot, but may be re-elected.

Proviso.

XXX. And be it enacted, That the Directors shall at their first, or at some other, Meeting after the day appointed for the Annual General Meeting in each year, elect one of their members to be the President of the said Company, who shall always (when present) be the Chairman of and preside at all Annual General Meetings and at all Meetings of the Directors, and shall hold his office until he shall cease to be a Director, or until another President shall be elected in his stead: and the said Directors may, in like manner elect a Vice-President, who shall act as Chairman in the absence of the President.

Directors to elect a President,

And Vice President

XXXI. And be it enacted, That any Meeting of the said Directors at which not less than five Directors shall be present, shall be a Quorum and shall be competent to use and exercise all and any of the powers hereby vested in the said Directors: Provided always, that no one Director, shall have more than one vote at any meeting of the Directors, except the President or Vice-President, when acting as Chairman, or any temporary Chairman, who, in case of the absence of the President and Vice-President, may be chosen by the Directors present, either of whom when presiding at a Meeting of the Directors shall, in case of a division of equal numbers, have the casting vote over and above his own vote: And further provided also, that such Directors shall from time to time be subject to the examination and control of the said Annual and Special Meetings of the said Proprietors as aforesaid, and to all By-Laws of the Company and to such orders and directions in and about the premises, as they shall from time to time receive from the said Proprietors at such Annual or Special Meetings; such orders and directions not being contrary to any express directions or provisions in this Act contained: And further provided also, that the act of any majority of a quorum of the Directors pre-

Five Directors to be a Quorum for business.

Proviso.

Casting vote of Chairman

Proviso: Directors subjected to the control of Meetings.

Proviso: Acts of a majority of a

Quorum to be sent at any meeting regularly held shall be deemed the act of the Directors.

No officer of the Company, or Contractor to be a Director. **XXXII.** Provided always, and be it enacted, That no person holding any office, place or employment, or being concerned or interested in any contract under the said Company, shall be capable of being chosen a Director or of holding the office of Director. 5

Annual Meeting may appoint three Auditors to audit all accounts of money laid out and disburse on behalf of the said undertaking. **XXXIII.** And be it enacted, That every such Annual Meeting shall have power to appoint not exceeding three Auditors to audit all accounts of money laid out and disbursed on account of the said undertaking, by the Manager and other Officers to be by the said Directors appointed, or by any other person whatsoever employed by or concerned for or under them, in and about the said undertaking; and to that end the said Auditors shall have power to adjourn themselves over from time to time, and from place to place, as shall be thought convenient by them: That the said Directors shall have full power and authority to direct and manage all and every the affairs of the said Company as well in contracting for and purchasing lands, rights and materials for the use of the said Company, as in employing, ordering and directing the work and work-men, and in placing and removing any under-officer, clerk, servant and agent, and in making any contract and bargain touching the said undertaking: And from time to time to appoint a Manager and other officers of the Company taking such security for the due execution of their respective offices as the said Directors shall think proper, and giving such salaries as they shall deem expedient, and such Manager shall in a proper book enter and keep a true account of the names and places of abode of the several proprietors aforesaid and of all who shall become entitled to shares in the said Railroad, Branches and works, and of all proceedings and transactions of the said Company for the time being under and by virtue of this Act: And the said Directors shall have like power and authority to affix or authorize any person to affix the Common Seal of the Company to any Act, Deed, By-laws, Notice or other document whatsoever; and any such Act, Deed, By-laws, Notice or other document bearing the Common Seal of the Company and signed by the President, Vice-President or any Director, or by order of the Directors, shall be deemed the act of the Directors and of the Company, nor shall the authority of the signer of any document purporting to be so signed and sealed, to sign the same and affix the said Seal thereto, be liable to be called in question by any party except the Company: and the Directors shall have such other and further power as, being vested in the Company by this Act, shall be conferred upon the said Directors by the By-laws of the Company. 10 15 20 25 30 35 40 45

Shareholders bound to pay calls. **XXXIV.** And be it enacted, That the owner of one or more shares in the said undertaking shall pay his share and proportion of the moneys to be called for as aforesaid to such person or persons, and at such time and place as the said Directors shall from time to time appoint and direct, of which three weeks' notice at least shall be given in two newspapers as aforesaid, or in such other manner as the said Proprietors or their successors shall by any By-law direct or appoint; and if any person shall neglect or refuse to pay his rateable or proportionable part or share of the said money, to be called for as aforesaid, at the time and place so appointed, he shall, on his neglect or refusal, forfeit a sum not exceeding 50

Penalty for neglect.

the rate of five pounds for every one hundred pounds of his share in the said undertaking: and in case such person shall neglect to pay his rateable calls as aforesaid, for the space of two calendar months after the time appointed for the payment thereof as aforesaid, then he shall forfeit his share in the said undertaking, and all the profit and benefit thereof; all which forfeiture shall go to the rest of the Proprietors of the said undertaking, their successors and assigns, for the benefit of the said Proprietors, in proportion to their respective interests; and in every case such calls shall be payable with interest from the time the same shall be so appointed to be paid until the payment thereof.

Forfeiture for not paying calls.

XXXV. Provided always, and be it enacted, That no advantage shall be taken of the forfeiture of any share or shares of the said undertaking, unless the same shall be declared to be forfeited at some Annual or Special Meeting of the said Company, assembled after such forfeiture shall be incurred; and every such forfeiture shall be an indemnification to and for every Proprietor so forfeiting against any action, suit or prosecution whatever, to be commened or prosecuted for any breach of contract or other agreement between such Proprietor and the other Proprietors with regard to carrying on the said Railroad or undertaking.

No advantage to be taken of any forfeiture of any shares of the said undertaking, unless declared forfeited at some General Meeting.

XXXVI. And be it enacted, That the said Company shall always have power and authority at any General Meeting assembled as aforesaid, to remove any person chosen as a Director as aforesaid, and to elect another to be Director in the room of any who shall die, resign or be removed, and to remove any other Officer under them, and to make, revoke, alter, amend or change any By-laws or Orders prescribed with regard to their proceedings amongst themselves (the method of calling General Meetings, and their time and place of assembly and manner of voting, and of appointing Directors, only, excepted), and for the transaction of the business and affairs of the said Company, and for the good government thereof, and of their servants, agents and workmen, for the good and orderly making, maintaining and using of the said Railroad, Branches and all other works connected therewith or belonging thereto or hereby authorized, and for the well governing of all persons whatsoever travelling upon or using the said Railroad, Branches and other works, or transporting any goods, wares, merchandize or other commodities thereon; and by such By-laws to impose and inflict such fines or forfeitures upon the persons guilty of a breach of such By-laws or Orders as to such General Meeting shall seem meet, not exceeding the sum of _____ pounds, current money of this Province, for every offence; all which said By-laws and Orders, shall be put into writing under the common seal of the said Company and shall be kept in the office of the Company, and a printed or written copy of so much of them as may relate to or affect any party other than members or servants of the Company, shall be affixed openly in all and every of the places where Tolls are to be gathered, and in like manner as often as any change or alteration shall be made to the same; and the said By-laws and Orders so made and published as aforesaid, shall be binding upon and observed by all parties, and shall be sufficient in any Court of Law or Equity to justify all persons who shall act under the same; and any copy of the said By-laws or any of them certified as correct by the President or

Company of Proprietors may remove any person chosen upon such Board of Directors; and may elect others in case of death, removal, &c.

And so of Officers.

Penalties under By-laws, limited.

£25.

By-laws to be in writing and published.

some person authorized by the Directors to give such certificate, and bearing the Common Seal of the Company, shall be deemed authentic, and shall be received as evidence of such By-laws in any Court without further proof.

XXXVII. And be it enacted, That as soon as the said capital sum or any part thereof, shall have been subscribed for as aforesaid, it shall be lawful for the Directors 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 always, 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 of the shares to be so issued, shall pay any call that may be so made, upon his shares, to such bank or person and at such time and place as shall be appointed by the Directors, of which three weeks notice shall be given in the *Canada Gazette*, or in any other manner that may be determined by the Directors, and any call made by them, 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 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 call so not paid at the time appointed for the payment thereof, and it shall be lawful for the said Company to sue for and recover the said call 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 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 in arrear and penalties 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 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 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 call 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 penalties so sued for and proved to be due, with costs of suit; and if any person shall neglect to pay any such call so due by him, for the space of one calendar month after the time appointed for the payment thereof, then it shall be in the power of the Directors if they see fit so to do, to declare the share 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 call, interest or penalty due in respect thereof; and the proceeds of the sale after deducting the costs thereof, and after the Company shall have been paid the call, interest and penalty due in respect of the share so sold, shall be paid over to such defaulter: and the President or Vice-President of the Company shall have power to transfer the share so sold to

the purchaser thereof, and thereupon such defaulter shall be absolved from all his obligations in respect of the share so sold, as well with respect to the said Company as with respect to the creditors thereof.

5 XXXVIII. And in order to facilitate the said Company in the making and completing of the Railroad, Branches and other works which they 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 and Branches into sections, and to make and complete any part or section of the said Road and Branches, and to receive tolls thereon even although the other parts thereof 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 one million of pounds currency on condition of the sum so subscribed being appropriated to the making and completing of any such particular section or part 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 such particular section shall be laid out for the making and completing of that section 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 aforesaid 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 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 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 for the making of which the said last mentioned shareholders shall have specially subscribed.

Road may be divided into Sections.

40 XXXIX. And be it enacted, That the said Company 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 pounds currency, as they may find expedient, at a rate of interest not exceeding eight per centum per annum, 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 movable or immovable 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 estate of the Company situate in Upper or 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

Company may borrow money.

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 corporation, 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 hypothecation thereby given, and in all other respects without exception, as if the same had been executed as a deed in Upper Canada, or 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.

XL. And be it enacted, That as soon as any part of the said Railroad and Branches 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 steamboat or vessel of the Company, and also to fix and regulate the tolls to be received from any person 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, merchandises, and property of every kind shall be transported, taken and carried on the said Railroad, steamboat, vessel and bridge, 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 to whom the said tolls and charges ought to be paid may, and he is 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, merchandises or other property shall be at the risk of the owner thereof; and the said Directors shall have
 5 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
 10 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.

XLI. And be it enacted, That it shall and may be lawful
 15 to and for the several Proprietors of the said undertaking, to sell or dispose of his share or shares therein, subject to the rules and conditions herein mentioned; and every purchaser shall have a duplicate of the deed of bargain and sale and conveyance made unto him, and one part of such
 20 deed, duly executed by seller and purchaser, shall be delivered to the said Directors or their Clerk for the time being, to be filed and kept for the use of the said Company, and an entry thereof shall be made in a book to be kept by the said Clerk for that purpose, for which no more than sixpence
 25 shall be paid, and the said Clerk is hereby required to make such entry accordingly; and until such duplicate of such deed shall be so delivered to the said Directors or their Clerk, and filed and entered as above directed, such purchaser shall have no part or share of the profits of the said undertaking, nor any
 30 interest for the said share or shares, paid unto him, nor any vote as a Proprietor.

Proprietors of the said Railroad may dispose of their shares, and how.
Transfer to be notified to the Company.

XLII. And be it enacted, That the sale of the said shares shall be in the form following, varying the names and descriptions of the contracting parties as the case may require :

Form of the transfer of shares.

35 " I, A. B, in consideration of the sum of
 " paid to me by C. D. of
 " do hereby bargain, sell and transfer to the said C. D.
 " share (or shares) of the Stock of the
 " to hold to him the said C. D, his
 40 " heirs, executors, curators, administrators and assigns, subject to the same rules and orders, and on the same conditions that I held the same immediately before the execution hereof :
 " and I the said C. D. do hereby agree to accept of the said
 " (share or shares) subject to the same rules orders and conditions,
 45 " witness our hands this day of
 " in the year Provided always that no such transfer of any share shall be valid until all calls or instalments then due thereon shall have been paid.

The form.

XLIII. And be it enacted, That it shall be lawful for all
 50 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
 55 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 authorized to be borrowed by the present Act; and to receive in respect of such loan, any security or se-

Corporations may become subscribers.

curities which the said Company is empowered to give by the present Act, any law, usage or custom to the contrary notwithstanding.

Municipal Corporations may subscribe for shares, and lend money to the Company, &c.

XLIV. That any Municipal Corporation in this Province may subscribe for any number of shares in the Capital Stock of the said Company, or lend any sum of money to the Company, or guarantee, or become security for the payment of any sum of money borrowed by the Company from any person, or indorse or guarantee the payment of any debenture to be issued by the Company for money by them borrowed: Provided always, that nothing herein contained shall be construed to increase the total amount of the Capital Stock which the Company is by this Act authorized to raise or borrow. 5 10

And may levy moneys for meeting their engagements under this Act.

XLV. That any Municipal Corporation who shall subscribe for the said Stock, or lend or guarantee the payment of any sum of money under this Act, shall have power and authority to assess and levy from time to time upon the whole rateable property thereof, a sufficient sum to enable them to discharge the debt, obligation and engagement contracted by them as aforesaid, and also for the like purpose, to issue Debentures payable at such times and for such sum respectively, not less than twenty-five pounds currency, and bearing or not bearing interest, as such Corporation may think meet. 15 20

How Debentures, &c. may be executed.

XLVI. That any Debenture which any such Municipal Corporation may, under this Act, issue, indorse or guarantee, shall be valid, and binding upon such Corporation, if signed or indorsed, and countersigned by such Officer or person, and in such manner and form as shall be directed by any By-law of such Corporation, and it shall not be necessary that any such Debenture be under the Corporate Seal, or that any other form be observed with regard thereto, than such as shall be directed in such By-law as aforesaid. 25 30

No liability to be incurred except under By-laws passed with the consent of a majority of the electors.

XLVII. That no such Municipal Corporation shall subscribe for Stock as aforesaid, or incur any debt or liability under this Act, unless and until a By-law to that effect shall have been duly made, and adopted with the consent first had of a majority of the qualified electors of the Municipality, present at a meeting called for that purpose by the Mayor, Warden or Reeve, at the request of any ten such Electors, by public advertisement containing a copy of such proposed By-law, inserted at least four times in each Newspaper printed within the limits of the Municipality, or if none be printed therein, then in some one or more Newspaper printed in the nearest City or Town thereto and circulated therein. 35 40

The head of the Corporation subscribing £25,000, to be a Director.

XLVIII. That the said Mayor, Warden or Reeve being the head of such Municipal Corporation, subscribing for and holding Stock in the Company to the amount of £25,000, or upwards, shall be and continue to be *ex officio* one of the Directors of the said Company, in addition to the number of Directors authorized by this Act, and shall have the same rights, powers and duties as any of the said Directors of the Company. 45 50

When the Road must be completed.

XLIX. And be it enacted, That the said Railroad, Branches 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 herein contained, shall cease and be utterly 55

null and void, and 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, Branches and works as shall not have been 5 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.

L. And in order to ascertain the amount of the clear profits of the said undertaking: Be it enacted, That the said Company or the Directors of the said Company shall 10 and they are hereby required to cause a true, exact and particular account to be kept and annually made up and balanced on the thirty-first day of December in each year, of the money collected and received by the said Company, or by the Directors or Manager thereof, or otherwise, for the use of 15 the said Company, by virtue of this Act, and of the charges and expenses attending the erecting, making, supporting, maintaining and carrying on of their works, and of all other receipts and expenditure of the said Company or the said Directors; and at the General Meetings of the Proprietors of 20 the said undertaking, to be from time to time holden as aforesaid, a dividend shall be made out of the clear profits of the said undertaking, unless such Meetings shall declare otherwise; and such dividend shall be at and after the rate of so much per share upon the several shares held by the Proprietors, in 25 the joint stock of the said Company, as such meeting shall think fit to appoint or determine: Provided always, that no dividend shall be made whereby the capital of the said Company shall be in any degree reduced or impaired, nor shall any dividend be paid in respect of any share, after a day appointed for 30 payment of any call for money in respect thereof, until such call shall have been paid.

Account of the profit of the said undertaking to be annually made up and balanced at certain periods.

Dividends to be made from time to time at General Meetings.

Proviso. Capital not to be impaired.

LI. Provided always, and be it enacted, That whenever the said Company shall have declared for the then preceeding year a dividend exceeding twenty pounds per centum currency on 35 each and every share in the said undertaking, the said Company shall and they are hereby directed and required to pay over, as a duty to Her Majesty, recoverable as other duties are, one moiety of the net income from the said Railroad accruing thereafter over and above the said per centage per share, first payable 40 to the said Proprietors: Provided always, that no such duty shall be payable until the dividends declared shall in the whole have amounted to ten *per cent. per annum* on the paid up stock of the said Company from the time it was so paid up, this provision being made as an allowance to the Company for the 45 loss of interest on the money expended before the work shall produce any income.

A Tax to be paid to the Government on all the net income above per share per annum.

Proviso: Allowance for the time until the work shall produce income.

LII. Provided always, and be it enacted, That in all cases where there shall be a fraction in the distance which goods wares, merchandize or other commodities or passengers shall 50 be conveyed or transported on the said Railroad and Branches, such fraction shall, in ascertaining the said rates, be deemed and considered as a whole mile, and that in all cases where there shall be the fraction of a ton in the weight of any such goods, wares, merchandize or other commodities, a proportion 55 of the said rates shall be demanded and taken by the said Company, to the number of quarters of a ton contained therein; and in all cases where there shall be a fraction of a quarter of a ton, such fraction deemed and considered as a whole quarter of a ton.

Fractions in miles and fractions in weight of goods, in ascertained rates, &c., how regulated.

Tables of
Tolls to be
publicly
affixed.

LIII. Provided always, and be it enacted, That the said Company shall from time to time print and stick up, or cause to be printed and stuck up in their office, and in all and every of the places where the tolls are to be collected, in some conspicuous place there, a printed board or paper exhibiting all the tolls payable under this Act, and particularising the price or sum of money to be charged or taken for the carriage of any matter or thing. 5

Provision as to
the carriage of
H. M.'s Mail,
Soldiers, Po-
lice Force, &c.

LIV. Provided always, and be it enacted, That the said Company shall at all times when thereunto required by the Post Master General, or Deputy, the Commander of the Forces, or any person having the superintendence or command of any Police Force, carry her Majesty's Mail, Her Majesty's Naval or Military Forces or Militia, and all artillery, ammunition, provisions or other stores for their use, and all Policemen, Constables and others travelling on Her Majesty's Service, on their said Railroad and Branches, on such terms and conditions and under such regulations as the said Company and the said Post Master General or Deputy, the Commander of the Forces, or person in command of any Police Force, respectively, shall agree upon, or if they cannot agree, then on such terms and conditions and under such regulations as the Governor or Person administering the Government shall in Council make ; 10

Proviso, as to
starting of
Trains, &c.

Provided that by such regulations the Company shall not be required to start any train or steamboat at any other time than their ordinary time of starting the same, but that they may be required to provide a separate carriage for the Mail and the person or in charge thereof: And provided also, that any further enactment which the Legislature of this Province may hereafter deem it expedient to make, with regard to the carriage of the said Mail or Her Majesty's Forces and other persons and articles as aforesaid, or the rate to be paid for carrying the same, or in any way respecting the use of any Electric Telegraph, or other service to be rendered by the Company to the Government, shall not be deemed an infringement of the privileges intended to be conferred by this Act. 20

Proviso: The
Legislature
may make fur-
ther provision.

And provided also, that any further enactment which the Legislature of this Province may hereafter deem it expedient to make, with regard to the carriage of the said Mail or Her Majesty's Forces and other persons and articles as aforesaid, or the rate to be paid for carrying the same, or in any way respecting the use of any Electric Telegraph, or other service to be rendered by the Company to the Government, shall not be deemed an infringement of the privileges intended to be conferred by this Act. 25

Company of
Proprietors to
divide the
land taken
from the lands
adjoining, if
required.

LV. And be it enacted, That the said Company shall, within six calendar months after any lands shall be taken for the use of the said undertaking, and if thereunto required by the proprietors of the adjoining lands respectively, but not otherwise, divide and separate, and keep constantly divided and separated, the lands so taken from the lands or grounds adjoining thereto, with a sufficient post and rail, hedge, ditch, bank, or other fence sufficient to keep off hogs, sheep and cattle, to be set and made on the lands or grounds which shall be purchased by, conveyed to or vested in the said Company as aforesaid, and shall at their own costs and charges, from time to time, maintain, support and keep in sufficient repair the said posts, rails, hedges, ditches, trenches, banks and other fences so set up and made as aforesaid. 30

The Company
to have the
Railroad
measured and
miles marked.

LVI. And be it enacted, That as soon as conveniently may be after the said Railroad and Branches shall be completed, the said Company shall cause the same to be measured, and stones or posts with proper inscriptions on the sides thereof denoting the distance, to be erected and for ever after maintained, at the distance of every mile from each other. 35

Treasurer and
Receiver and
Collector to
give security

LVII. And be it enacted, That the said Company shall and are hereby required and directed to take sufficient security, by one or more bond or bonds, in a sufficient penalty or penalties, 40

from their Manager and other Officers for the time being of the moneys to be raised by virtue of this Act, and thereof for the faithful execution by them of their offices respectively.

LVIII. And be it enacted, That all fines and forfeitures imposed by this Act, or which shall be lawfully imposed by any By-law, to be made in pursuance thereof, (of which By-law when produced, all Justices are hereby required to take notice,) the levying and recovering of which fines and forfeitures are not particularly herein directed, shall, upon proof of the offence before any one or more Justice or Justices of the Peace for the District, either by the confession of the party or by the oath or affirmation of any one credible witness (which oath or affirmation such Justice or Justices are hereby empowered and required to administer without fee or reward,) be levied by distress and sale of the offender's goods and chattels, by warrant under the hand and seal or hands and seals of such Justice or Justices; and all such fines, forfeitures or penalties, by this Act imposed or authorized to be imposed, the application whereof is not hereinbefore particularly directed, shall be paid into the hands of the Treasurer or Receiver of the moneys to be raised by virtue of this Act, and shall be applied and disposed of for the use of the said Railroad, Branches or undertaking, and the overplus of the money raised by such distress and sale after deducting the penalty and expenses of the levying and recovering thereof, shall be rendered to the owner of the goods so distrained and sold; and for want of sufficient goods and chattels whereof to levy the said penalty and expenses, the offender shall be sent to the Common Gaol for the District of Montreal, there to remain without bail or mainprize for such term not exceeding one month as such Justice or Justices shall think proper, unless such penalty or forfeiture and all expenses attending the same shall be sooner paid and satisfied.

Forfeitures under this Act how to be recovered and applied, when not otherwise provided for.

Levy by distress and sale of goods and chattels.

Imprisonment for want of sufficient chattels.

LIX. And be it enacted, That if any person shall think himself aggrieved by anything done by any Justice or Justices of the Peace in pursuance of this Act, every such person may, after the doing thereof, appeal to the Justices of the Peace at the General Quarter or General Sessions to be holden in and for the District, next after the said doing unless such Sessions shall be held sooner than the days thereafter, in which case the said appeal may be made to the next succeeding Sessions.

Persons aggrieved may appeal to the General Sessions.

LX. And be it enacted, That if any action or suit shall be brought or commenced against any person for anything done or to be done in pursuance of this Act, or in the execution of the powers and authorities or of the orders and directions hereinbefore given or granted, every such action or suit shall be brought or commenced within six calendar months next after the fact committed; or in case there shall be a continuation of damage, then within six calendar months next after the doing or committing such damage shall cease, and not afterwards: and the Defendant in such action or suit shall and may plead the general issue, and give this Act and the special matter in evidence at any trial to be held thereupon, and that the same was done in pursuance and by the authority of this Act, and if it shall appear to have been so done; or if any action or suit shall be brought after the time so limited for bringing the same, or if the Plaintiff shall be non-suit, or discontinue his action or suit after the Defendant shall have appeared, or if judgment shall be given against the Plaintiff, the Defendant shall have full costs, and

Limitation of actions for things done in pursuance of this Act.

General issue.

Costs to Defendant if the Plaintiff fail.

shall have such remedy for the same as any Defendant hath for costs of suit or other cases by law.

Any contravention of this Act not otherwise punishable, to be a misdemeanor.

LXI. And be it enacted, That any contravention of this Act by the said Company or by any other party, for which no punishment or penalty is herein provided shall be a misdemeanor, and shall be punishable accordingly ; but such punishment shall exempt the said Company (if they be the offending party) from the forfeiture of this Act and the privileges hereby conferred on them, if by the provisions thereof or by law the same be forfeited by such contravention. 5 10

Her Majesty may assume the Railroad, on certain conditions.

LXII. And be it enacted, That Her Majesty may at any time before or after the said Railroad is completed assume the possession and property thereof, and of all the property which the said Company is hereby empowered to hold and shall then have, and of all the rights, privileges and advantages vested by this Act in the said Company, (all which shall after such assumption be vested in Her Majesty,) on giving to the said Company three months' notice of the intention to assume the same, and on paying to the said Company, within three months of the expiration of such notice, the whole amount of their Capital Stock then paid up and expended, with interest on the paid up Capital, from the time of the paying up of the same until the time of the opening of the said Railroad. 15 20

Map and Book of reference to be deposited and the Railroad to be completed within certain periods, or this Act to be void.

LXIII. And be it enacted, That the said Company, to entitle themselves to the benefits and advantages to them granted by this Act, shall and they are hereby required to make and deposit the map or plan and book of reference mentioned in the Section of this Act within six months after the passing hereof, and to make and complete the said Railroad and Branches in manner aforesaid, within twenty years from the passing of this Act ; and if the said map or plan and book of reference be not so made and deposited within the said six months, or if the said Railroad and Branches shall not be so made and completed within the said period so as to be used by the public as aforesaid, then and in either case this Act and every matter and thing therein contained, shall cease and be utterly null and void, save and except such part of the said road as may be than completed as hereinbefore provided. 25 30 35 40

Arrangements may be made with other Companies.

LXIV. And be it enacted, That it shall be lawful for the said Directors of the Company, to enter into and make any arrangement with the Directors of any other Railroad Company, now and 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, and the St. Lawrence and Ottawa Grand Junction 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 Railroad of the said Company by this Act established 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. 45 50 55

Company annually to sub-

LXV. And be it enacted, That the said Company shall annually submit to the three Branches of the Legislature,

within the first fifteen days after the opening of each Session of the Provincial Parliament, after the opening of the said Railroad or any part thereof to the public, a detailed and particular account, attested upon oath, of the moneys by them 5 received and expended under and by virtue of this Act, with a classified statement of the amount of tonnage and of passengers that have been conveyed along the said Railroad and Branches; And no further provisions which the Legislature may hereafter make with regard to the form or details of such 10 account, or the mode of attesting or rendering the same, shall be deemed an infringement of the privileges hereby granted to the Company.

mit to the Legislature detailed accounts.

Further provision may be made touching such accounts.

LXVI. And be it enacted, That nothing herein contained shall be construed to except the Railroad and Branches by this 15 Act authorized to be made, from the provisions of any general Act relating to Railroads which may be passed during the present or any future Session of Parliament.

Company not to be exempted from the operation of any general Railroad law.

LXVII. And be it enacted, That nothing herein contained shall affect or be construed to affect, in any manner or way 20 whatsoever, the rights of Her Majesty, or of any person, such only excepted as are herein mentioned.

Saving of Her Majesty's rights, and of all other persons, &c.

LXVIII. And be it enacted, That this Act shall be a Public Act, and the Interpretation Act, 12 Victoria, ch. 10, shall apply hereto.

Public Act.

FORM, No. 1.

Referred to in the foregoing Act.

RAILROAD COMPANY LOAN.

Under the Act Vict., c.
 No. £
 currency, (or sterling, as the case may be.)

THIS DEBENTURE WITNESSETH that the Railroad Company, under the authority of the Provincial Statute, passed in the intitled, "An Act, &c., (*title of this Act,*)" have received from A. B. of &c., the sum of currency, (or sterling, as the case may be,) as a loan to bear interest from the date hereof, at the rate of per cent. per annum, payable half yearly on the day of and on the day of which sum of pounds, currency, (or sterling, as the case may be,) the said Company hereby bind and oblige themselves to pay on the to the said A. B., or to the bearer hereof, and to pay the interest thereon half yearly as aforesaid.

And for the due payment of the said sum of money and interest, the said Company, under the power given to them by

the said Statute, do hereby mortgage and hypothecate the real estate and appurtenances hereinafter described, that is to say, *(describe the premises to be hypothecated.)* IN TESTIMONY whereof, I, *(or we, give name of President or Directors authorized as mentioned in Section of this Act,)* have hereto affixed the common seal of the said Company at the City of Montreal, this day of one thousand eight hundred and

(Signature.)

(L. S.)

FORM, No. 2.

Referred to in the foregoing Act.

RAILROAD COMPANY LOAN.

Under the Act Vict., c.
No. £
currency, *(or sterling, as the case may be.)*

THIS DEBENTURE WITNESSETH, that The
Railroad Company, under the authority of the Provincial
Statute, passed in intituled, "An Act,
&c., *(title of this Act.)*"