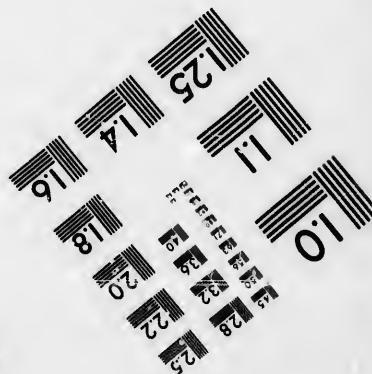
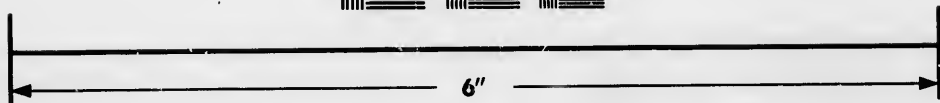
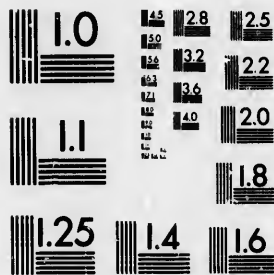


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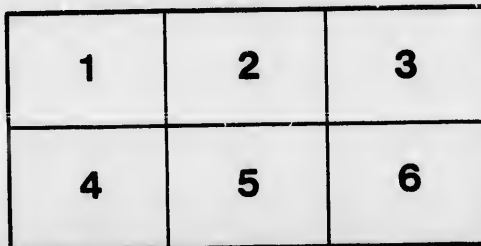
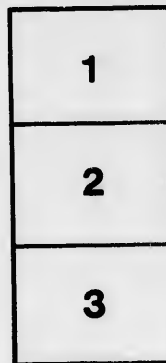
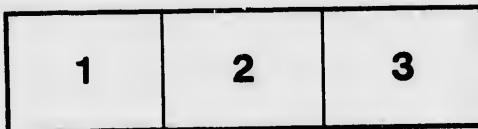
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CANADA SOUTHERN RAILWAY

STATUTES.



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“ERIE AND NIAGARA EXTENSION RAIL-
WAY ACT OF 1868.”

CAP. XIV.

An Act for the Incorporation of the Erie and Niagara
Extension Railway Company.

[Assented to 28th February, 1868.]

WHEREAS an Act was passed by the Parliament of the Preamble.
then Province of Canada, in the Twenty-seventh year
of the Reign of Her Majesty, intituled, “The Erie and Niagara
Railway Company Act of 1863,” under which the said Com-
pany has constructed its line of Railway from the Village of
Fort Erie to the Town of Niagara; And whereas the said
Company and a large number of Municipalities have, by their
Petitions, represented that it would be greatly to the advan-
tage of a large and important section of this Province, that
a Railway should be constructed from some point at or near
the Village of Fort Erie, to some point in the County of Essex,
so as to pass through the Counties of Haldimand, Norfolk,
Elgin, Oxford and Kent, and through or in the vicinity of the
County of Middlesex; And whereas it is expedient to grant
the prayer of the Petitioners; Therefore, Her Majesty, by
and with the advice and consent of the Legislative Assembly
of Ontario, enacts as follows:—

1. For the construction of the said line of Railway, the fol-
lowing persons, viz.: William A. Thompson, Adam Crooks, Colin
Munro, John Duck, Shelton Sturgis, Horatio Newcomb, C. A.
DeGraff, Henry J. Kilmaster, Thomas M. Nairn, Richard
Graham, John Smith, John Wright, and A. P. Farrell, together
with such other persons as may become Shareholders in the
Company, hereby incorporated, are hereby ordained and de-
clared to be a body corporate, under the name of “The Erie
and Niagara Extension Railway Company.”

Provisional
Directors.

2. The several clauses of the Act chaptered sixty-six of the
Consolidated Statutes of the former Province of Canada, in-
tituled, “An Act respecting Railways,” with respect to the
first, second, third, fourth, fifth and sixth clauses thereof, and
also the several clauses of the said Act in respect to “Interpre-
tation,” “Incorporation Powers,” “Plans and Surveys,” “Lands
and

Railway Act.
to apply.

and their Valuation," "Highways and Bridges," "Fences," "Tolls," "General Meetings," "President and Directors—their Election and Duties," "Calls," "Shares and their Transfer," "Municipalities," "Shareholders," "Actions for Indemnity," and "Fines and Penalties, and their Prosecution," "By-laws, Notices, &c.," "Working of the Railway," and "General Provisions," are hereby incorporated with this Act, but in so far only as the said Clauses, or any part thereof respectively, may be construed to have reference to any act, deed, matter or thing to be done, executed, fulfilled or performed within the limits of the Province of Ontario.

Line of Rail-
way.

3. The said Company shall have power to construct a line of Railway from a point in the Township of Bertie, at or near the Village of Fort Erie, passing through the Town of Saint Thomas, to some point in the County of Essex, in or near the Town of Sandwich, or the Town of Windsor, and to construct a branch from the main line to some point in, or near the Town of Amherstburg.

Capital Stock.

4. The Capital Stock of the said Company shall be Five Millions of Dollars, divided into Fifty Thousand Shares of One Hundred Dollars each.

Powers of Pro-
visional Direc-
tors.

5. The persons named in the first clause hereof are constituted the Board of Provisional Directors of the said Company, and shall hold office as such until the first election of Directors under this Act, and shall have power and authority, immediately after the passing of this Act, to open Stock Books, and procure subscriptions of Stock for the undertaking, giving at least four weeks' previous notice by advertisement in the newspapers hereinafter mentioned, and in the *Ontario Gazette*, of the time and place of their meeting, to receive subscriptions of Stock; and the said Provisional Directors may cause surveys and plans to be made and executed, and to acquire any plans and surveys now existing, and it shall be their duty, as hereinafter provided, to call a general meeting of Shareholders for the Election of Directors.

No subscrip-
tion valid un-
less ten per
cent paid
thereon.

6. No subscription of Stock in the Capital of the said Company shall be legal or valid, unless Ten per centum shall have been actually and *bona fide* paid thereon, within five days after subscription, into one or more of the chartered banks of this Province, to be designated by the said Directors, and such ten per centum shall not be withdrawn from such bank, or otherwise applied, except for the purposes of such Railway, or upon the dissolution of the Company from any cause whatever; and the said Directors, or a majority of them may, in their discretion, exclude any person from so subscribing, who, in their judgment, would hinder, delay, or prevent the said Company from

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from proceeding with and completing their undertaking under the provisions of this Act; and if more than the whole stock shall have been subscribed, the said Provisional Directors shall allocate and apportion it amongst the subscribers, as they shall deem most advantageous and conducive to the furtherance of the undertaking; and in such allocation the said Directors may, in their discretion, exclude any one or more of the said subscribers, if, in their judgment, this will best secure the building of the said Railway.

7. So soon as Two Million Dollars of the said Capital Stock shall have been subscribed, as aforesaid, and Ten per centum *bona fide* paid thereon, and deposited in one or more of the chartered banks of this Province, for the purposes of the Company, the hereinbefore mentioned Directors, or a majority of them, shall call a meeting of the Shareholders of said Company, at such time and place as they may think proper, giving at least two weeks' notice in one or more newspapers published in the Counties of Welland, Elgin, Norfolk, Kent, Haldimand, Middlesex, Oxford, and Essex, and in the Ontario *Gazette*, respectively, at which meeting the Shareholders shall elect Nine Directors from the Shareholders possessing the qualifications hereinafter mentioned, which Directors shall hold Office until the next annual general meeting of the Shareholders, as hereinafter provided. Directors to call meetings of shareholders. Advertisements.

8. The annual general meeting of the Shareholders for the Election of Directors and other general purposes, shall be held at the Village of Fort Erie, or elsewhere, within this Province, as may be appointed by by-law, on the first Wednesday in the month of June in each year, and two weeks' previous notice thereof shall be given by publication in newspapers, as provided in the last preceding clause. Meeting for election of Directors.

9. No person shall be elected a Director of the said Company, unless he shall be the holder and owner of at least Twenty Shares in the Stock of the said Company, and shall have paid up all calls made thereon. Qualification.

10. No call to be made at any time upon the said Capital Stock shall exceed Ten per centum on the subscribed capital. Calls.

11. Whenever it shall be deemed expedient by the Board of Directors, that a special general meeting of the shareholders shall be convened, the same may be done by advertisement, to be published in the manner last hereinbefore mentioned, and by circulars addressed by post to each Shareholder, at his last known or usual place of address, not less than two weeks previous thereto, and the special object of said meeting shall be distinctly set forth in such advertisement and circular. Special meeting.

Conveyances.

12. All deeds and conveyances for land required by the said Company may be in the form given in Schedule A. annexed, and all Registrars are required to register the same on the production of a duplicate thereof, with an affidavit of due execution, and for so doing the Company shall pay to the said Registrar for so doing the fee of two shillings and six-pence, and no more.

Bonds.

13. The Directors of the said Company, after the sanction of the Shareholders shall have been first obtained at any special general meeting, to be called from time to time for such purpose, but limited to the terms of this Act, shall have power to issue bonds made and signed by the President or Vice-President of the said Company, and countersigned by the Secretary and Treasurer, and under the seal of the said Company, for the purpose of raising money for prosecuting the said undertaking; and such bonds shall, without registration or formal conveyance, be taken and considered to be the first and preferential claims and charges upon the undertaking and the property of the Company, real and personal, and then existing and at any time thereafter acquired; and each holder of the said bonds shall be deemed to be a mortgagee and incumbrancer *pro rata* with all the other holders thereof upon the undertaking and the property of the Company as aforesaid; Provided, however, that the whole amount of such issue of bonds shall not exceed in all the sum of five million dollars, nor shall the amount of such bonds issued at any one time be in excess of the amount of the paid up instalments on its share capital and of the amount which has been actually expended in surveys and in works of construction upon the line; and provided also, further, that in the event at any time of the interest upon the said bonds remaining unpaid, and owing then at the next ensuing general annual meeting of the said Company, all holders of bonds shall have and possess the same rights and privileges and qualifications for Directors and for voting as are attached to Shareholders, provided that the bonds and any transfers thereof shall have been first registered in the same manner as is provided for the registration of shares.

Mode of issue.

When work to be commenced and conditions.

14. Two million dollars, at least, of the said capital stock shall be subscribed, and the said deposit in cash of ten per centum thereon shall be made, and the said line of railway be *bona fide* commenced within two years from the passing of this Act; and at least one million of dollars shall be *bona fide* expended in works of construction thereon within three years from the passing of the said Act; and in default of any one of the said several foregoing requirements, then this Charter and the privileges thereby conferred shall become forfeited.

To be completed in five years.

15. The said Line of Railway shall be completed within five years from the passing of this Act.

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16. The Gauge of the said Railway shall be five feet six in- Gauges.
ches, with power to lay down a third or more rails of another
gauge, as the Directors may determine upon.

17. This Act may be cited as the "Erie and Niagara Exten- Title.
sion Railway Act of 1868."

SCHEDULE A.

KNOW ALL MEN BY THESE PRESENTS, that I,
, of
do hereby, in consideration of
paid to me by the Erie and Niagara Extension Railway Com-
pany, (the receipt whereof I do hereby acknowledge,) do grant
and confirm to the said Company, its Successors and Assigns,
for ever, all that certain parcel of land situate
for the purpose of their Railway. And I,
the Wife of the said , do hereby release
my Dower on the said Lands.
As witness hand and seal this day of
One Thousand Eight Hundred and Sixty

Signed, Sealed and Delivered }
in the presence of }

"THE CANADA SOUTHERN RAILWAY
ACT, 1869."

CAP. XXXII.

An Act to amend the Act incorporating the Erie and
Niagara Extension Railway Company, and to change
the name to the Canada Southern Railway Com-
pany.

[Assented to 24th December, 1869.]

WHEREAS the Erie and Niagara Extension Railway Preamble
Company, incorporated under "The Erie and Niagara
Extension Railway Act of 1868," have petitioned for power to
extend their line of Railway from a point at or near the
Town

Town of St. Thomas, in the County of Elgin, to some point on the St. Clair River, in the Township of Moore, in the County of Lambton, and for certain amendments to their Act of Incorporation; Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Corporate name changed.

1. The corporate name of the said Company shall be changed to that of "The Canada Southern Railway Company."

2. That the first section of "The Erie and Niagara Extension Railway Act of 1868," shall be and is hereby amended by striking out of the said section the names Colin Munro and Thomas M. Nairn, and inserting in the said section, immediately after the name John Wright therein, the names James Frazer, John Cunningham, Robert Blackwood, John Talbot Mann, George Southwick, Berkley Powell, Gilbert Hatheway, Cheney Ames, Andrew Elliot, Wesley Truesdail, John E. Kitton, John McRae, and Nicol Kingsmill, and the said section, as thus amended, shall henceforth be read as the first section of the said Act.

Power to increase capital of the Company and issue bonds.

3. The Capital Stock of the said Company may be increased according to the provisions of the Railway Act, and the said Company, under the provisions of the Railway Act, may also issue bonds.

Branch line of railway authorized.

4. The said Company shall have power to construct a branch of their said Railway from a point at the Town of St. Thomas, in the County of Elgin, to a point on the St. Clair River, in the Townships of Moore or Sombra, in the County of Lambton, and the several clauses of the Act chaptered sixty-six, of the Consolidated Statutes of the former Province of Canada, intituled, "An Act respecting Railways," which by the second section of the "Erie and Niagara Extension Railway Act of 1868," are incorporated with that Act, shall be taken, held and construed to apply to the branch line hereby authorized to be constructed, as fully and effectually as if the said branch line had been originally authorized in and by the said last mentioned Act.

Certain claims of Railway Act mentioned in original Act to apply to branch line.

5. And in addition to the powers conferred by the clause respecting "Municipalities" in the Railway Act, it shall be lawful for the Corporation of any Municipality or Municipalities through any part of which, or near which, the railway or works of the said Company shall pass, or be situated, or which may be benefited thereby, to aid and assist the said Company by loaning, or guaranteeing, or giving money by way of bonus, or other means, to the Company, and by purchasing and granting to the said Company the land for the right of way, station grounds,

Municipalities may aid by bonus, etc.

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grounds, gravel-pits and work-shops, and otherwise, in such manner and to such extent as such Municipal Corporation or Corporations, or any of them, may think expedient, and to issue its municipal bonds to or in aid of the said Company, or for all or any of the hereinbefore-mentioned purposes; Provided always, that no such loan, bonus, aid or guarantee be given except after the passing of by-laws for the purpose, and the adoption of such by-laws as provided in the Railway Act; Provided also, that any such by-law, to be valid, shall be made in conformity with the laws of this Province respecting municipal institutions.

6. Whenever bonds, debentures, or other securities are issued by any Municipal Corporation, in aid of the said Company, by way of bonus or gift, such bonds, debentures or securities shall, within six weeks after the passing of the by-law authorizing the same, be delivered to the Trustees to be named, one by the Lieutenant-Governor in Council, one by the said Company, and one by the Wardens of the Counties of Welland, Haldimand, Norfolk, Oxford, Middlesex, Elgin, Kent, Essex and Lambton; Provided that if the Lieutenant-Governor in Council shall refuse or neglect to name such Trustee within six weeks after he shall have been duly notified of the appointment of the other two Trustees, the said Company shall be at liberty to name one in the place of the one to have been named by the Lieutenant-Governor in Council: Provided also, that the Wardens shall appoint the said Trustee to be appointed by them, by the vote of a majority of them who shall attend the meeting for that purpose, to be held at such time and place as the said Company may appoint for that purpose, notice of which shall be sent to each of them, by mail, at least fourteen days before the day appointed; and if they fail or neglect to name such Trustee, the said Company shall be at liberty to name one in the place of the Trustee to have been named by them; and any Trustee appointed may be removed, and a new Trustee appointed in his place, at any time, by the consent of the Lieutenant-Governor in Council.

7. The said Trustees shall receive the said bonds, debentures, or other securities, and any coupons or interest warrants attached thereto in trust, and shall place the same in the custody of one of the chartered banks of Canada, to be designated by them, and shall not withdraw, cancel, control, or in anywise dispose of the said bonds, debentures, securities, coupons or interest warrants, or any of them respectively unless, and except upon and under the circumstances and conditions following, that is to say:—

Firstly. When and as any of the moneys payable under the said bonds, debentures, securities, coupons, or interest warrants respectively,

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respectively, become due, it shall be lawful for the said Trustees, from time to time, to withdraw from the custody of the said bank such of the said debentures, coupons, or interest warrants respectively, as according to the tenor and effect thereof may be requisite for duly presenting and obtaining payment thereof, and shall forthwith, after such presentation, and in so far as the said bonds, debentures, securities, coupons, or interest warrants may not have been paid, return the same into the custody of the bank aforesaid, and shall, from time to time, and as and when any such moneys are received deposit the same in the bank aforesaid, to the credit of a special account, to be termed "The Canada Southern Railway Municipal Account," which account shall further clearly state and show the particular bonds, debentures, or securities, in respect of which the said moneys have been received, and in such account the moneys received in respect of the bonds, debentures, or securities from each Municipal Corporation, shall be kept separate and distinct from those received from any other of the said Municipal Corporations.

Terms of the
Trust.

Secondly. It shall be lawful for each of the Municipal Corporations who may pass by-laws to aid the said Railway Company to require from the provisional or other Directors on behalf of the said Railway Company, and before the bonds, debentures, or other securities for such aid are delivered to the said trustees, an agreement setting forth and specifying the stipulations and conditions under which the bonds, debentures, or other securities granted by such Municipal Corporation, and all moneys payable in respect thereof, or of the interest thereon, shall, from time to time, become applicable for the purposes of the said Railway; and when, and as the said bonds, debentures, or other securities, or any of them, or any moneys received on account thereof, or of the interest thereon, according to the terms of the said agreement, become deliverable or payable to the said Railway Company, the same shall from time to time be delivered or paid, as the case may be, by the said Trustees upon certificate of the Chief Engineer of the said Railway Company in form set out in Schedule B. to this Act, or to the like effect.

Terms of the
Trust.

Thirdly. In the event of the said Railway Company not completing the said Railway to the extent mentioned, or by the time required under the terms of its agreement with any Municipal Corporation, it shall be the duty of the said Trustees to return to such Municipal Corporation the bonds, debentures, or securities received from it, and any moneys received in the meantime in respect thereof, or of the interest thereon, or such of the said bonds, debentures, securities or moneys as shall not have been delivered or paid to the said Railway Company under the terms of the said agreement; and any bonds, debentures,

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tures, or securities so returned, shall be forthwith cancelled; and it is further provided that the act of any two of the said Trustees shall be as valid and binding as if the three had agreed thereto.

8. It shall be further lawful for the Corporation of any Municipality through any part of which the Railway of the said Company passes or is situate, by by-law especially passed for that purpose, to exempt the said Company and its property within such Municipality, either in whole or in part from Municipal assessment or taxation, or to agree to a certain sum per annum or otherwise in gross or by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments, to be imposed by such Municipal Corporation, and for such term of years as such Municipal Corporation may deem expedient.

Municipalities may exempt property of Company from taxation, or make compensation, etc.

9. That the money to be paid into one of the chartered banks of this Province, as required by sections six and fourteen of the Act chapter fourteen, passed in the thirty-first year of Her Majesty's reign by the Parliament of Ontario, and intituled, "An Act for the incorporation of the Erie and Niagara Extension Railway Company," shall be paid in to the joint credit of the said Company and the Treasurer of Ontario, and notice of such payment shall be published for at least one month in the *Ontario Gazette*, and a copy of the stock list of the said Company duly verified shall at the said time be deposited in the office of the Provincial Secretary; and the said money so paid into the bank as aforesaid, shall remain therein to the joint credit of the said Company, and the Treasurer of Ontario until satisfactory evidence of the *bona fides* of all the subscriptions, and of the ability and intention of the said Company to commence and carry on the said Railway shall be furnished to the Lieutenant-Governor in Council and an order shall have been issued declaring the same to be *bona fide*; and any Municipality along the line of the proposed Railway, or any Railway Company duly organized in Ontario, shall be at liberty to examine into and test the *bona fides* of the subscriptions before the Lieutenant-Governor in Council within one month after the first publication of the said notice; and in the event of non-compliance with the above provisions within the times limited by the said hereinbefore recited Act, then the rights and privileges conferred by this Act or by the said recited Act shall cease and be void and of none effect.

10 percent-subscription to be paid to credit of Company and Provincial Treasurer.

Notice

10. The Company shall have power to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars; and any such promissory note made or endorsed, and such bill of exchange drawn, accepted or endorsed, by the President or Vice-President of the Company, and countersigned

Company may become parties to notes and bills, etc.

countersigned by the Secretary and Treasurer, and under the authority of a majority of a quorum of the Directors, shall be binding on the Company; and every such promissory note or bill of exchange made, drawn, accepted or endorsed by the President or Vice President of the said Company, and countersigned by the Secretary and Treasurer as such shall be presumed to have been properly made, drawn, accepted or endorsed, as the case may be, for the Company, until the contrary be shown; and in no case shall it be necessary to have the seal of the Company affixed to any such bill or exchange of promissory note, nor shall the President, Vice-President, or Secretary and Treasurer of the Company, so making, drawing, accepting or endorsing any such promissory note or bill of exchange, be thereby subjected individually to any liability whatever: Provided always that nothing in this section shall be construed to authorize the said Company to issue any note payable to bearer, or any promissory note intended to be circulated as money, or as the notes of a Bank.

Proviso.

Sec. 16 of Erie & Niagara Extension Railway Act, 1868, repealed.

11. The sixteenth section of the said Erie and Niagara Extension Railway Act is hereby repealed, and the gauge of the said Railway may be such as the Directors, in their discretion may determine upon, with power to lay down a third or more rails as they may think proper.

Extension of times limited by original Act.

12. The respective times limited in and by the fourteenth and fifteenth sections of the Erie and Niagara Extension Railway Act of 1868, are hereby respectively extended each for the further period of eight calendar months.

SCHEDULE B.

CANADA SOUTHERN RAILWAY CO.'S OFFICE.

Engineer's Department.

CHIEF ENGINEER'S CERTIFICATE.

No.

Certificate in the Canada Southern Railway Municipal Trust Account, given under section of Act 33 Victoria 18 Cup.

I, *A. B.*, Chief Engineer for said Railway Company, do hereby certify that the said Company hath performed and fulfilled the following terms and conditions specified and set forth in the agreement, dated the _____ day of _____, between the Corporation of _____ and the said Company, that is to say:

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(Here set out clearly the terms and conditions which have been fulfilled.)

And that under the said agreement and in accordance therewith, the said Railway Company is now entitled to receive from the said trust the sum of \$ _____ in the debentures of the said Municipal Corporation, together with their relative coupons and interest warrants, or any money heretofore received by the said trust in payment of the said coupons or interest warrants, or of the said debentures respectively.

“ THE CANADA SOUTHERN RAILWAY ACT, 1872.”

CAP. XLVIII.

An Act to confer further Corporate Powers on the Canada Southern Railway Company.

[Assented to 2nd March, 1872.]

WHEREAS The Canada Southern Railway Company is engaged in the construction of its lines of railway under the Statute of this Province passed in the thirty-first year of Her Majesty's reign, intituled "An Act for the incorporation of the Erie and Niagara Extension Railway Company," and the Statute passed in the thirty-third year of Her Majesty's reign, intituled "An Act to amend the Act incorporating the Erie and Niagara Extension Railway Company, and to change the name to the Canada Southern Railway Company," and hath petitioned for further corporate powers; Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The said company may construct a branch from any point on its line of railway in the Township of Enniskillen to some point on the St. Clair River, in the Township of Sarnia; also a branch from its line of railway in the County of Kent to the Town of Chatham, and the several clauses of the Act chaptered sixty-six of the Consolidated Statutes of the former Province of Canada, intituled "An Act respecting Railways," which by the second section of the Erie and Niagara Extension Railway Act of 1868, are incorporated with that Act, and all and every the

Power to construct branches.

Railway Act to apply.

(Here

the powers conferred by said last mentioned Act and the said recited Act amending the same, shall be taken, held and construed to apply to any branch line hereby authorized to be constructed, as fully and effectually as if such branch line had been specially authorized in and by the said last mentioned Acts; Provided that the construction of such branches shall be commenced within one year and completed within four years, otherwise the powers conferred by this section shall become void as to any such branch not commenced and completed within the respective times aforesaid.

2. The corporation of any municipality which has aided and assisted, or may aid or assist the said company, may, upon the application of the company, grant such extension of time as said municipal corporation may think fit for the performance or fulfilment by the company of any works stipulated for in respect of such aid or assistance.

3. The directors of the company may, subject to the rules and regulations, from time to time, of the board, appoint an agent in the City of London, England, and also an agent in the City of New York, in the State of New York, with power to pay dividends, to open and keep books of transfer for the shares of the company, and for the issue of scrip and stock certificates; and thereupon shares may be transferred from the Canada office to the London or New York offices, in the names of the transferees in the same manner as shares may be transferred in the former office, and *vice versa*; and shares originally taken and subscribed for in Great Britain, and shares originally taken and subscribed for in the United States may be respectively entered upon the books at the London, or at the New York office, and scrip certificates be issued for them, and the agent or agents or other officer or officers shall transmit an accurate list of all such transfers and scrip certificates so issued to the secretary or other officer of the company in this Province, who shall thereupon make the requisite entries respecting such transfer and scrip certificates in the Register kept in this Province, and thereupon the same shall be binding on the company, as to all the rights and privileges of shareholders, as though the scrip certificates had been issued by the secretary of the company in this Province.

4. Shares in the capital stock of the company may be transferred by any form of instrument in writing; but no transfer shall become effectual unless the stock or scrip certificates issued in respect of the shares intended to be transferred are surrendered to the company, or the surrender thereof dispensed with by the company;

5. Whenever any transfer shall be made in England or the United States of any share of stock of the company, the delivery of

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of the transfer and stock or scrip certificates to the agent or agents of the company for the time being in London and New York aforesaid shall be sufficient to constitute the transferee a shareholder or stockholder in the company in respect to the share of stocks so transferred ; and such agent or agents shall transmit an accurate list of all such transfers to the secretary of the company in this Province, who shall thereupon make the requisite entries in the register, and the directors may from time to time make such regulations as they shall think fit for facilitating the transfer and registrations of shares of stock and the forms in respect thereof as well in this Province as elsewhere, and as to the closing of the register of transfers for the purpose of dividends as they may find expedient : and all such regulations not being inconsistent with the provisions of this Act and of the Railway Act, as altered or modified by this Act, shall be valid and binding.

6. Any shareholder in the said company, whether a British subject or alien, or a resident in Canada or elsewhere, shall have equal rights to hold stock in the said company, and to vote on the same and to be eligible for office in the said company ; and directors may at any meeting of the Board vote by proxy, provided at least four directors are personally present at such meetings.

British sub- jects and aliens to have equal rights.

Directors may vote by proxy.

7. Where stone, gravel, or any other material is or are required for the construction or maintenance of said railway or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same are situate for the purchase thereof, cause a provincial surveyor to make a map and description of the property so required, and they shall serve a copy thereof with their notice of arbitration, as in case of acquiring the roadway, and the notice of arbitration, the award, and the tender of the compensation shall have the same effect as in the case of arbitration for the roadway, and all the provisions of the Railway Act as varied and modified by the special Acts relating to the said company as to the service of the said notice, arbitration, compensation deeds, payment of money in court, the right to sell, the right to convey, and the parties from whom lands may be taken or who may sell, shall apply to the subject matter of this section, and to the obtaining materials as aforesaid ; and such proceedings may be had by the said company either for the right to the fee simple in the land from which said material shall be taken, or for the right to take material for any time they shall think necessary ; the notice of arbitration, in case arbitration is resorted to, to state the interest required.

Power to take gravel pits.

8. When said gravel, stone or other materials shall be taken, under the preceding section of this Act at a distance from the line

Power to lay sidings and tracks to gravel pits.

line of the railway, the company may lay down the necessary siding and tracks over any lands which may intervene between the railway and the lands on which said material shall be found, whatever the distance may be; and all the provisions of the Railway Act and of the Special Acts relating to said company's Act, except such as relate to filing plans and publication of notice, shall apply, and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated; and such right may be so acquired for a term of years or permanently, as the company may think proper; and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed for the purpose of repairing and maintaining the said railway.

Power to make traffic and other arrangements with other companies.

9. The company may make arrangements for the conveyance or transit of traffic with any other railway company or companies, or with the International or any other railroad bridge, or tunnel company, and may enter into an agreement with such other company or companies with respect to the terms of such traffic arrangements, or with respect to all or any of the matters following, viz.: The maintenance and management of the works of the companies respectively or of any one or more of them or of any part thereof respectively; the use and working of the railway or bridge or of any part thereof respectively and the conveyance of traffic thereon; the fixing, collecting, and apportionment of the tolls, rates, charges, receipts and revenues levied, taken or arising in respect of traffic; and the joint or separate ownership, maintenance, management, and use of a station or other work or any part thereof respectively.

Power to acquire land for warehouses, etc., and steam and other vessels.

10. The company shall have full power to purchase land for and erect warehouses, elevators, docks, stations, workshops and offices, and to sell and convey such land as may be found superfluous for any such purpose; and the company shall have power to acquire and hold as part of the property of the said company as many steam or other vessels as the directors of the company may deem requisite from time to time to facilitate the carriage of passengers, freight and other traffic.

Power to lease or purchase other railways,

11. The said company may acquire by purchase or lease the Erie and Niagara Railway and the London and Port Stanley Railway, or either of them, or any of their lands or other property, and upon such acquisition may exercise all and every the rights, franchises and privileges conferred by the Acts of Incorporation relating to the said companies, so far as relates to any matter or thing to be done or proposed within the Province of Ontario: and the said company may also further guarantee for the loan of its credit to or become guarantors for,

and to lend credit to or take stock in

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or may subscribe to or become the owner of stock in any rail- other com-
road bridge or tunnel company with which its line may be in panies.
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viduals.

"THE CANADA SOUTHERN RAILWAY
ACT, 1873."

CAP. LXXXVI.

An Act respecting the Canada Southern Railway
Company.

[Assented to 29th March, 1873.]

WHEREAS The Canada Southern Railway Company has Preamble.
petitioned for power to build certain branches, and to
have the times limited by the second section of an Act passed
in the thirty-fifth year of the reign of Her Majesty Queen
Victoria, chaptered forty-eight, and for other corporate powers;
and it is expedient to grant the same;

Therefore Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:—

1. The respective times limited in and by the first section Times limited
of "An Act to confer further corporate powers on the Canada by 35 Vic.,
Southern Railway Company," passed in the thirty-fifth year ch. 48, s. 1,
of the reign of Her Majesty Queen Victoria, and chaptered extended for
forty-eight, are hereby respectively extended each for the two years.
further period of two years.

2. The said Company may construct a branch from any Powers of
point on its line of railway in the Township of Enniskillen, to construction
some point at or near the Village of Petrolia, in the said town- of branch
ship; also to some point at or near the Village of Oil Springs, lines.
in the said township; also one or more branches from any
point on its line of railway in the County of Welland, to any
point on the Niagara River, or to the line of the Erie and
Niagara Railway Company, in the Counties of Lincoln and
Welland: and the several clauses of the Act chaptered sixty-
six, of the Consolidated Statutes of the former Province of
Canada, intituled, "An Act respecting Railways," which by
the second section of the Erie and Niagara Extension Railway
Act

Time for commencement and construction.

Act of 1868 are incorporated with that Act; and all and every the powers conferred by the said last mentioned Act or any Act amending the same or relating to the Canada Southern Railway Company shall be taken, held and construed to apply to any branch line hereby authorized to be constructed: Provided, that the construction of such branches shall be commenced within two years, and completed within four years, otherwise the powers conferred by this section shall become void as to any such branch not commenced, and completed within the respective times aforesaid.

Powers of guarantee, &c.

Proviso.

Certain by-laws and debentures confirmed.

3. The said Company shall have power to guarantee for the loan of its credit to, or become guarantors for or may subscribe to or become the owners of stock in any railway company, with the line of which their line may be in connection, or any railway company over the line of which they may now have or hereafter may make arrangements for running powers or the conveyance of traffic: Provided, that the power given under this clause shall not be exercised, unless sanctioned by a vote to that end of two-thirds of the shareholders, voting in person or by proxy at a general meeting of the shareholders specially called for that purpose, or at the annual general meeting.

4. The by-law numbered one hundred and ninety-four, passed by the Corporation of the County of Elgin, intituled a by-law "To aid and assist the Canada Southern Railway Company, by giving two hundred thousand dollars to the said company by way of bonus, and to issue debentures therefor, and to authorize the levying of a special rate for the payment of the debentures and interest." The by-law passed by the Corporation of the Township of Townsend, intituled, "By-law of the Municipal Corporation of the Township of Townsend to aid and assist the Canada Southern Railway Company, by giving thirty thousand dollars to the said Company by way of bonus, and to issue debentures therefor, and to authorize the levying of a special rate for the payment of the debentures and interest." The by-law passed by the Corporation of the Township of Dereham, bearing date the twelfth day of October, 1870, to aid and assist the Canada Southern Railway Company, by giving thereto the sum of fifteen thousand dollars: The by-law, numbered one hundred and thirty-eight, passed by the Corporation of the Township of South Norwich, intituled, "By-law of the Municipal Corporation of the Township of South Norwich, to aid and assist The Canada Southern Railway Company, by giving fifteen thousand dollars to the said Company, by way of bonus, to issue debentures therefor, and to authorize the levying of a special rate for the payment of the debentures and interest;" The by-law, lettered S, passed by the Corporation of the Township of Malden, intituled, "By-law to aid and assist The Canada Southern Railway Company,

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by giving bonus, levying interest Corporation law to by giving bonus, levying interest of and ass a bonus and to of a special the interest passed. intituled, Railway said Corporation therefor payment issued, by-laws valid upon Elgin, the Township of Amherst the contract in this Act late Provision of solidated amending Act containing provisions, or mentioned to the said

5. Whereby way bridge have in the Town of Talbot Street Now there construction declared shall prevail

by giving fifteen thousand dollars to the Company, by way of bonus, and to issue debentures therefor, and to authorize the levying a special rate for the payment of such debentures and interest;" The by-law numbered sixty-seven, passed by the Corporation of the Township of Anderdon, intituled, "A by-law to aid and assist The Canada Southern Railway Company, by giving fifteen thousand dollars to the Company, by way of bonus, and to issue debentures therefor, and to authorize the levying a special rate for the payment of such debentures and interest;" The by-law, numbered seventy-four, of the Corporation of the Town of St. Thomas, intituled, "A by-law to aid and assist The Canada Southern Railway Company, by giving a bonus of twenty-five thousand dollars to the said Company, and to issue debentures therefor, and to authorize the levying of a special rate for the payment of the said debentures and the interest thereon;" The by-law, numbered ninety-nine, passed by the Corporation of the Town of Amherstburg, intituled, a "By-law to aid and assist The Canada Southern Railway Company, by giving fifteen thousand dollars to the said Company, by way of bonus, and to issue debentures therefor, and to authorize the levying of a special rate for the payment of debentures and interest;" and all debentures issued, or that may hereafter be issued under either of said by-laws be, and the same are declared legal, binding, and valid upon the said respective Corporations of the County of Elgin, the Township of Townsend, the Township of Dereham, the Township of South Norwich, the Township of Malden, the Township of Anderdon, the Town of St. Thomas, the Town of Amherstburg, and all others whosoever, any law or statute to the contrary notwithstanding: Provided always, that nothing in this Act contained shall in anywise affect the claim of the late Province of Canada, or of the Province of Ontario, in respect of the debt contracted under the Act establishing a consolidated municipal loan fund for Upper Canada and Acts amending the same: Provided further, that nothing in this Act contained shall in any way affect or qualify the conditions, or any of them in the said by-laws, or any of them contained upon or subject to which the bonus or any of them mentioned in the said by-laws or any of them are to be given to the said Canada Southern Railway Company. Proviso.

5. Whereas the said Company have constructed their railway bridge over Kettle Creek, in the County of Elgin, and have in so doing, with the assent of the Municipality of the Town of St. Thomas, in the said County, encroached upon Talbot Street, in the said town, and have diverted the same. Now therefore such encroachment and diversion and the construction of the said bridge in the manner aforesaid is hereby declared lawful: Provided that nothing herein contained shall prevent the said Company from changing the construction

tion of the said bridge so as to restore the highway to its original state.

Power to close
up roads.

6. That the said Company shall have the power of closing up any road or highway crossing through any of their station grounds, provided the said company shall have the consent of the municipality in which the said road is situated, by a by-law passed for that purpose, and provided a road adjacent thereto, and convenient for the public, be provided in lieu of any such closed road.

Short title of
33 Vic., c. 32.

7. The Act passed in the thirty-third year of the reign of Her Majesty Queen Victoria, chaptered thirty-two, and intituled "An Act to amend the Act incorporating the Erie and Niagara Extension Railway Company, and to change the name to the Canada Southern Railway Company, may be cited as 'The Canada Southern Railway Act, 1869.'"

Short title of
35 Vic., c. 48.

8. The Act passed in the thirty-fifth year of the reign of Her Majesty Queen Victoria, chaptered forty-eight, and intituled "An Act to confer further corporate powers on the Canada Southern Railway Company may be cited as "The Canada Southern Railway Act, 1872."

Short title of
this Act.

9. This Act may be cited as "The Canada Southern Railway Act, 1873."

"THE RAILWAY ACT."

CON. STAT. CANADA, CHAP. 66.

General Railway Act.

HER Majesty by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. APPLICATION OF ACT.

Name by
which it shall
be cited.

Sec. 14 & 15

Vic. cap. 51.

sec. 2 Railway

Clauses Con-

solidation Act.

Application of

Act since 30th

Aug., 1861.

1. Whenever this Act is referred to in citing the same it shall be sufficient to use the expression, "The Railway Act."

2. When not otherwise expressed, this and the following sections to the one hundred and twenty-fifth shall apply to every

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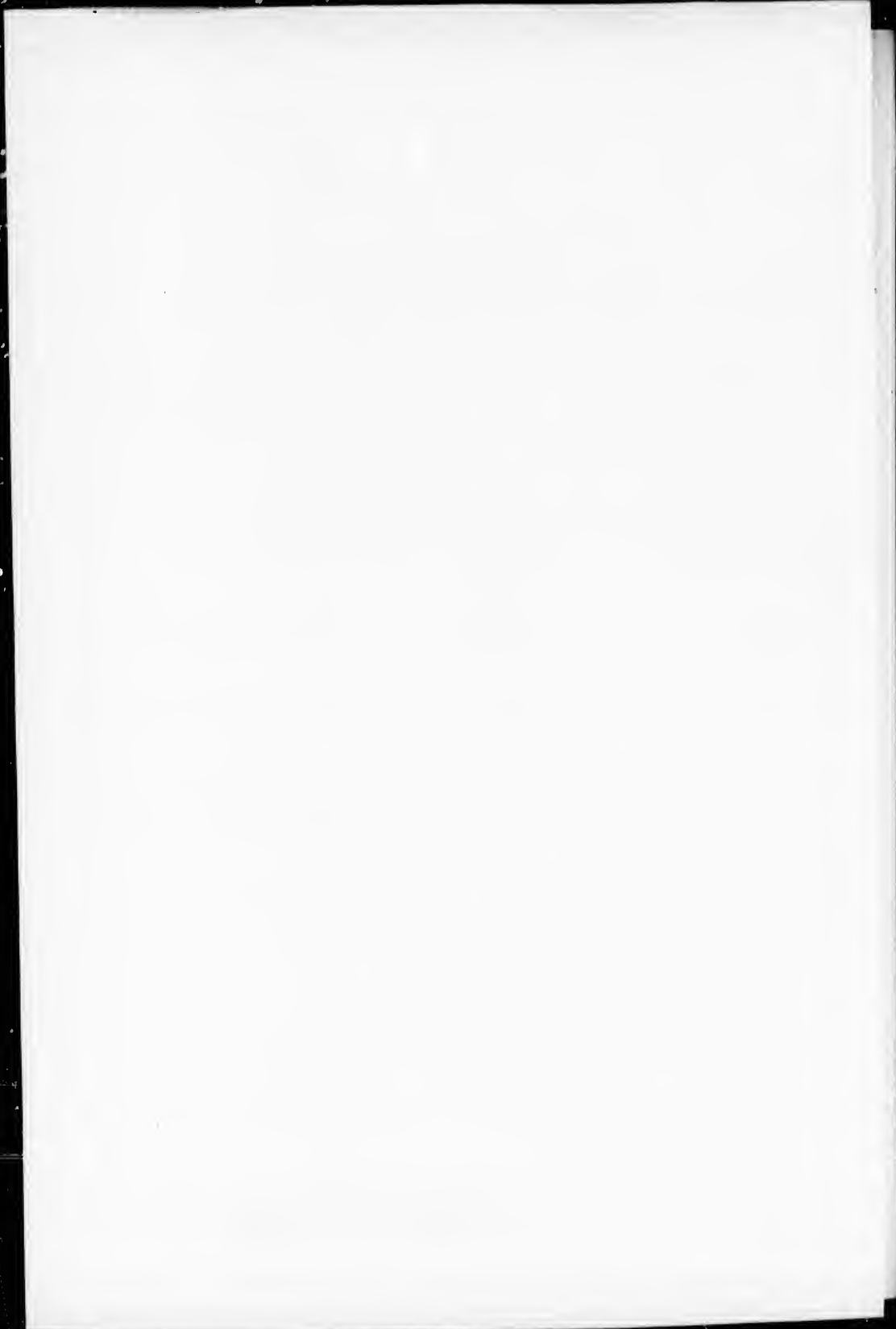
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every railway authorized to be constructed, by any Act passed since the thirtieth day of August, one thousand eight hundred and fifty-one, or by any Act passed after this Act takes effect, and this Act shall be incorporated with every such Act; and all the clauses and provisions of this Act, unless they are expressly varied or excepted by any such Act, shall apply to the undertaking authorised thereby, so far as applicable to the undertaking, and shall, as well as the clauses and provisions of every other Act incorporated with such Act, form part of such Act, and be construed together therewith as forming one Act.

*Sec. 14 & 15
Vic. cap. 51,
sec. 1.*

3. For the purpose of incorporating this Act or any of its provisions with a Special Act, it shall be sufficient in such Act to enact, that the clauses of this Act, with respect to the matter so proposed to be incorporated, referring to the same in the word or words at the head of and introductory to the enactment with respect to such matter, shall be incorporated with such Act, and thereupon all the clauses and provisions of this Act with respect to the matter so incorporated, shall, save in so far as they are expressly varied or excepted by such Act, form part thereof, and such Act shall be construed as if the substance of such clauses and provisions were set forth therein with reference to the matter to which such Act relates.

*What shall be
sufficient in
making an in-
corporation of
this Act with
Special Acts.
Sec. 14 & 15
Vic. cap. 51,
sec. 3.*

4. The power given by the Special Act to construct the Railway, and to take and use lands for that purpose, shall be exercised, subject to the provisions and restrictions contained in this Act.

*Power to con-
struct railway,
&c., to be ex-
ercised subject
to provisions
of this Act.*

5. For the value of lands taken, and for all damages to lands injuriously affected by the construction of the Railway, in the exercise of the powers by this or the Special Act, or any Act incorporated therewith, vested in the Company, compensation shall be made to the owners and occupiers of, and to all other persons interested in, any lands so taken or injuriously affected.

*Compensation
to be made for
lands dam-
aged.
Sec. 14, & 15.
Vic. cap. 51.
sec. 4.*

6. Unless otherwise specially provided by this Act or the Special Act, the amount of such compensation shall be ascertained and determined in the manner provided by this Act.

*How compen-
sation to be
determined.
Sec. 14, & 15.
Vic. cap. 51.
Sec. 4.*

2. INTERPRETATION.

7. 1. The expression "The Special Act," used in this Act, shall be construed to mean any Act authorizing the construction of a Railway, and with which this Act is in a manner aforesaid incorporated;

*Interpretation
of words
"The Special
Act."*

2. The word "prescribed," used in this Act in reference to any matter herein stated, shall be construed to refer to such matter

matter

matter as the same is prescribed or provided for in the Special Act; and the sentence in which such word occurs shall be construed as if, instead of the word "prescribed," the expression "prescribed for that purpose in the Special Act," had been used;

"The Lands" 3. The expression "the lands" shall mean the lands which, by the Special Act, are authorized to be taken or used for the purpose thereof;

"The undertaking." 4. The expression "the undertaking" shall mean the Railway and works, of whatever description, by the Special Act authorized to be executed;

5. The following words and expressions, both in this and the Special Act, shall have the meanings hereby assigned to them, unless there is something in the subject or context repugnant to such construction, that is to say:—

"Lands." 6. The word "lands" shall include all real estate, messuages, lands, tenements and hereditaments of any tenure;

"Lease" 7. The word "lease" shall include any agreement for a lease;

"Toll" 8. The word "toll" shall include any rate or charge or other payment payable under this Act or the Special Act for any passenger, animal, carriage, goods, merchandise, articles, matters or things conveyed on the Railway;

"Goods." 9. The word "goods" shall include things of every kind conveyed upon the Railway, or upon steam or other vessels connected therewith;

"Superior Courts." 10. The expression "superior courts" shall mean the Courts of Chancery, Queen's Bench and Common Pleas in Upper Canada, and the Superior Court in Lower Canada, as the case may be;

"County." 11. The word "county" shall include any union of counties, county riding, or like division of a county in the Province, or any division thereof into separate Municipalities in Lower Canada;

"Highways" 12. The word "highways" shall mean all public roads, streets, lanes, and other public ways and communications;

"Sheriff." 13. The word "sheriff" shall include under sheriff, or other legal competent deputy; and where any matter in relation to any lands is required to be done by any sheriff or clerk of the peace

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peace, the expression "the sheriff," or the expression "clerk of the peace," shall in such case be construed to mean the sheriff or clerk of the peace of the district, county, riding, division, or place where such lands are situate; and if the lands in question, being the property of one and the same party, be situate not wholly in one district, county, riding, division or place, the same expression shall be construed to mean the sheriff or clerk of the peace of any such district, county, riding, division, or place where any part of such lands are situate;

14. The word "justice" shall mean justice of the peace acting for the district, county, riding, division, city or place where the matter requiring the cognizance of a justice arises, and who is not interested in the matter; and where the matter arises in respect of lands being the property of one and the same party, situate wholly in any one district, county, riding, division, city or place, the word "justice" shall mean a justice acting for the district, county, riding, division, city or place where any part of such lands are situate, and who is not interested in such matter; and where any matter is authorized or required to be done by two justices, the expression "two justices" shall be understood to mean two justices assembled and acting together;

15. The word "owner" where, under the provisions of this Act or the Special Act any notice is required to be given to the owner of any lands, or where any act is authorized or required to be done with the consent of any such owner, shall be understood to mean any Corporation or person who, under the provisions of this Act, or the Special Act, or any Act incorporated therewith, would be enabled to sell and convey lands to the Company;

16. The expression "the Company" shall mean the Company or party authorized by the Special Act to construct the Railway;

17. The expression "the Railway" shall mean the Railway and works by the Special Act authorized to be constructed;

18. The word "clause" shall mean any separate section of this Act, or any other Act therein referred to distinguished by a separate number;

19. The word "shareholder" shall mean every subscriber to or holder of stock in the undertaking, and shall extend to and include the personal representatives of the shareholder.

"Shareholder."
See 14 & 15
Vic. cap. 61,
sec. 7.

3. INCORPORATION.

8. Every Company established under any Special Act shall be a body corporate under the name declared in the Special Act

Companies established under Special Act

Act, declared to be bodies corporate, &c. See 14 & 15 Vic. cap. 51, sec. 8.

Act, and shall be invested with all the powers, privileges and immunities necessary to carry into effect the intentions and objects of this Act and of the Special Act therefor, and which are incident to such Corporation, as are expressed or included in "the Interpretation Act."

4. POWERS.

Powers :

9. The Company shall have power and authority :—

To receive grants of lands, &c. ;

Firstly. To receive, hold and take all voluntary grants and donations of land or other property made to it, to aid in the construction, maintenance and accommodation of the Railway, but the same shall be held and used for the purposes of such grants or donations only ;

Purchase land.

Secondly. To purchase, hold and take of any Corporation or person or any land or other property necessary for the construction, maintenance, accommodation and use of the Railway, and also to alienate, sell or dispose of the same.

Occupy public lands, beaches, &c. ;

See 14 & 15 Vic. cap. 51, sec. 9, No. 3—16 Vic. cap. 169, sec. 8.

Thirdly. No Railway Company shall take possession of, use or occupy any lands vested in Her Majesty, without the consent of the Governor in Council ; but with such consent any such Company may take and appropriate for the use of their Railway and works, but not alienate, so much of the wild lands of the Crown lying on the route of the Railway as have not been granted or sold, and as may be necessary for such Railway, as also so much of the public beach or of the land covered with the waters of any lake, river, stream or canal, or of their respective beds, as is necessary for making and completing and using their said Railway and works, but nothing in this subsection contained shall apply to the thirty and thirty-first paragraphs of the eleventh section of this Act.

Carry Railway across lands of Corporations, and others ;

Fourthly. To make, carry or place the Railway across or upon the lands of any Corporation or person on the line of the Railway, or within the distance from such line stated in the Special Act, although, through error or other cause, the name of such party has not been entered in the Book of Reference hereinafter mentioned, or although some other party has been erroneously mentioned as the owner of, or entitled to convey, or is interested in, such lands ;

And across or along streams, &c. ;

Fifthly. To construct, maintain and work the Railway across, along or upon any stream of water, water course, canal, highway or railway which it intersects or touches : but the stream water course, highway, canal or railway so intersected or touched, shall be restored by the Company to its former state, or to such state as not to impair its usefulness ;

Sixthly.

Sixthly. To make, complete, alter and keep in repair the Railway with one or more sets of rails or tracks to be worked by the force and power of steam, or of the atmosphere, or of animals, or by mechanical power, or by any combination of them;

Complete Railway with one or more tracks, &c.;

Seventhly. To erect and maintain all necessary and convenient buildings, stations, depots, wharves and fixtures, and from time to time to alter, repair or enlarge the same, and to purchase and acquire stationary or locomotive engines and carriages, waggons, floats and other machinery and contrivances necessary for the accommodation and use of the passengers, freights and business of the Railway;

Erect necessary buildings, wharves, &c.;

Eighthly. To make branch railways, if required and provided by the Special Act, and to manage the same, and for that purpose to exercise all the powers, privileges and authorities necessary therefor, in as full and ample a manner as for the railway;

Branch Railways;

Ninthly. To construct, erect and make all other matters and things necessary and convenient for the making, extending and using of the railway, in pursuance of and according to the meaning and intent of this Act, and of the Special Act;

All other matters and things necessary for Railway;

Tenthly. To take, transport, carry and convey persons and goods on the railway, to regulate the time and manner in which the same shall be transported, and the tolls and compensation to be paid therefor, and to receive such tolls and compensation;

Convey persons and goods on Railway;

Eleventhly. To borrow from time to time, either in this province or elsewhere, such sums of money as may be expedient for completing, maintaining and working the Railway, and at a rate of interest not exceeding eight per cent. per annum, and to make the bonds, debentures or other securities granted for the sums so borrowed, payable either in currency or in sterling, and at such place or places within this Province or without as may be deemed advisable, and to sell the same at such prices or discount as may be deemed expedient, or be necessary, and to hypothecate, mortgage or pledge the lands, tolls, revenues and other property of the Company for the due payment of the said sums and the interest thereon, but no such debenture shall be for a less sum than one hundred dollars;

Borrow money, &c.;

Twelfthly. To enter into and upon any lands of Her Majesty without previous license therefor, or into and upon the lands of any Corporation or person whatsoever lying in the intended route or line of the Railway;

Enter upon Her Majesty's lands, &c.;

Sixthly.

Thirteenthly.

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Make surveys
of lands;

Thirteenthly, To make surveys, examinations, or other necessary arrangements, on such lands necessary for fixing the site of the Railway, and to set out and ascertain such parts of the lands as are necessary and proper for the Railway ;

Remove trees.

Fourteenthly. To fell or remove any trees standing in any woods, lands or forests, where the Railway passes, to the distance of six rods from either side thereof ;

Unite with
other Rail-
ways.

Fifteenthly. To cross, intersect, join and unite the Railway with any other railway at any point on its route, and upon the lands of such other railway, with the necessary conveniences for the purposes of such connection ; and the owners of both railways may unite in forming such intersection, and grant the facilities therefor ; and in case of disagreement upon the amount of compensation to be made therefor, or upon the point or manner of such crossing and connection, the same shall be determined by arbitrators to be appointed by a Judge of one of the Superior Courts in Lower Canada or Upper Canada, as the case may be.

See 14 & 15
Vic. cap. 51,
sec. 9, No. 15,
and 22 Vic.
cap. 4, sec. 2.

5. PLANS AND SURVEYS.

Provision re-
specting
surveys and
levels:
See 14 & 15
Vic. cap. 51,
sec. 10.

10. Plans and surveys shall be made and corrected as follows :

Firstly. Surveys and levels shall be taken and made of the lands through which the Railway is to pass, together with a map or plan thereof, and of its course and direction, and of the lands intended to be passed over and taken therefor, so far as then ascertained, and also a Book of Reference for the Railway, in which shall be set forth:—

1. A general description of the said lands ;
2. The names of the owners and occupiers thereof, so far as they can be ascertained ; and
3. Every thing necessary for the right understanding of such map or plan ;

Secondly. The 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 office of the clerks of the peace in the districts or counties through which the Railway passes, and also in the office of the Provincial Secretary, and shall also deliver one copy thereof to the said Company ;

Thirdly. Any person may resort to such copies, and make extracts or copies thereof, as occasion requires, paying to the
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Provincial Secretary, or to the clerks of the peace, at the rate of ten cents for every hundred words ;

Fourthly. The triplicates of such map or plan and Book of Reference so certified, or a true copy thereof certified by the Provincial Secretary, or by the clerks of the peace, shall be good evidence in any court of law and elsewhere ;

Fifthly. Any omission, misstatement or erroneous description of such lands, or of the owners or occupiers thereof, in any map or plan or Book of Reference, may, after giving ten days' notice to the owners of such lands, be corrected by two justices on application made to them for that purpose, and if it appears to them that such omission, misstatement or erroneous description arose from mistake, the justices shall certify the same accordingly ;

Omissions, how remedied.

Sixthly. The certificate shall state the particulars of any such omission, and the manner thereof, and shall be deposited with the clerks of the peace of the district or counties respectively in which such lands are situate, and be kept by them along with the other documents to which they relate ; and thereupon such map or plan or Book of Reference shall be deemed to be corrected according to such certificate ; and the Company may make the Railway in accordance with the certificate ;

Seventhly. If any alterations from the original plan or survey are intended to be made in the line of course of the Railway, a plan and section in triplicate of such alterations as have been approved of by Parliament, on the same scale and containing the same particulars as the original plan and survey shall be deposited in the same manner as the original plan, and copies or extracts of such plan and section so far as relate to the several districts or counties in or through which such alterations have been authorized to be made, shall be deposited with the clerks of such districts and counties ;

Alterations from original survey.

Eighthly. Until such original map or plan and Book of Reference, or the plans and sections of the alterations, have been so deposited, the execution of the Railway, or of the part thereof affected by the alterations, as the case may be, shall not be proceeded with ;

Railway not to be proceeded with until map, &c., deposited.

Ninthly. The clerks of the peace shall receive and retain the copies of the original plans and surveys, and copies of the plans and sections of alterations, and copies and extracts thereof respectively, and shall permit all persons interested to inspect any of the documents aforesaid, and to make copies and extracts of and from the same, under a penalty for default of four dollars ;

Clerks of the Peace to receive copies of original plan, &c.

Tenthly.

Copies certified by Clerk to be good evidence in Courts.

Tenthly. The copies of the maps, plans and Books of Reference, or for any alteration or correction thereof, or extracts therefrom, certified by the clerk of the peace, shall be received in all courts of justice or elsewhere as good evidence of the contents thereof, and the clerk of the peace shall give such certificate to all parties interested when required ;

Line not to deviate more than a mile.

Eleventhly. No deviation of more than one mile from the line of the Railway, or from the places assigned thereto, in the said map or plan and Book of Reference or plans or sections, shall be made into, through, across, under or over any part of the lands not shewn in such map or plan and Book of Reference, or plans of sections, or within one mile of the said line and place, save in such instances as are provided for in the Special Act ;

Error in the name of a person entered in a Book of Reference.

Twelfthly. The Railway may be carried across or upon the lands of any person on the line, or within the distance from such line as aforesaid, although the name of such person has not been entered in the Book of Reference through error or any other cause, or although some other person is erroneously mentioned as the owner of, or entitled to convey, or is interested in, such lands ;

Extent of lands to be taken without consent of proprietor.

Thirteenthly. The lands which may be taken without the consent of the proprietor thereof, shall not exceed thirty yards in breadth, except in places where the Railway is raised more than five feet higher, or cut more than five feet deeper than the surface of the line, or where offsets are established, or where stations, depots or fixtures are intended to be erected, or goods to be delivered, and then not more than two hundred yards in length by one hundred and fifty yards in breadth, without the consent of the person authorized to convey such lands ; and the places at which such extra breadth is to be taken, shall be shewn on the map or plan, or plans or sections, so far as the same may be then ascertained, but their not being so shewn shall not prevent such extra breadth from being taken, provided it be taken upon the line shewn or within the distance aforesaid from such line ;

Extent of public beach to be taken. See 14 & 15 Vic. cap. 51, sec. 10.

Fourteenthly. The extent of the public beach, or of the land covered with the waters of any river or lake in this Province, taken for the Railway, shall not exceed the quantity limited in the next preceding clause.

6. LANDS AND THEIR VALUATION.

Amended by 24 Vic. cap. 17. See 14 & 15 Vic. cap. 51. sec. 11.

11. The conveyance of lands, the valuation and the compensation therefor, shall be made in manner following :—

Firstly.

Firstly. tail or executor only for but a wheth other may c part th and as intents son, sc respect

Secondly. author deposit the set way, s lands, i one ye althoug proper taken, such pr inafter award ;

Thirdly. course obtained, and no the am cor regu ment ca agreed any lan which t tolls the other cl ing suc registry

Fourthly. of any indivis, any part of one t pensatio

Firstly. All Corporations and persons whatever, tenants in tail or for life, *greves de substitution*, guardians, curators, executors, administrators, and all other trustees whatsoever, not only for and on behalf of themselves, their heirs and successors, but also for and on behalf of those whom they represent, whether infants, issue unborn, lunatics, idiots, *femes-covert*, or other persons, seized, possessed of or interested in any lands, may contract for, sell and convey unto the Company, all or any part thereof; and any contract, agreement, sale, conveyance and assurance so made, shall be valid and effectual in law to all intents and purposes whatsoever; and the Corporation or person, so conveying, is hereby indemnified for what he or it respectively does by virtue of or in pursuance of this Act;

Corporation, &c., may convey lands.

Secondly. Any contract or agreement made by any party authorized by this Act to convey lands, and made before the deposit of the map or plan and Book of Reference, and before the setting out and ascertaining of lands required for the Railway, shall be binding at the price agreed upon for the same lands, if they are afterwards so set out and ascertained within one year from the date of the contract or agreement, and although such land may, in the meantime, have become the property of a third party; and possession of the land may be taken, and the agreement and price may be dealt with, as if such price had been fixed by an award of arbitrators as hereinafter provided, and the agreement shall be in the place of an award;

Effect of contracts made before deposit of map.

Thirdly. All Corporations or persons who cannot, in common course of law, sell or alienate any lands so set out and ascertained, shall agree upon a fixed annual rent as an equivalent, and not upon a principal sum, to be paid for the lands; and if the amount of the rent is not fixed by voluntary agreement or otherwise, it shall be fixed and all proceedings shall be regulated in the manner herein prescribed; and for the payment of the said annual rent, and every other annual rent agreed upon, shall be ascertained, and to be paid for the purchase of any lands, or any part of the purchase money of any lands, which the vendor agrees to leave unpaid, the Railway and the tolls thereon shall be liable and chargeable in preference to all other claims and demands thereon whatsoever, the deed creating such charge and liability being duly registered in the registry office of the proper county;

Corporations who cannot sell, may agree upon a fixed rent.

Fourthly. Whenever there is more than one party proprietor of any land as joint tenant or tenants in common, or *par indivis*, any contract or agreement made in good faith with any party or parties, proprietors or being together proprietors of one third or more of such land, as to the amount of compensation for the same or for any damages thereto, shall be binding

As to proprietor *par indivis*.

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binding as between the remaining proprietor or proprietors as joint tenant or tenants in common and *par indivis*; and the proprietor or proprietors who have so agreed, may deliver possession of such lands, or empower the entry upon the same, as the case may be;

After one month's notice of deposit of map, &c., application to the owner of lands.

Fifthly. After one month from the deposit of the map or plan and Book of Reference, and from notice thereof in at least one newspaper, if there be any, published in each of the districts and counties through which the Railway is intended to pass, application may be made to the owners of lands or to parties empowered to convey lands, or interested in lands which may suffer damage from the taking of materials or the exercise of any of the powers granted for the Railway, and thereupon agreements and contracts may be made with such parties touching the said lands or the compensation to be paid for the same, or for the damages, or as to the mode in which such compensation shall be ascertained, as may seem expedient to both parties, and in case of disagreement between them, or any of them, then all questions which arise between them shall be settled as follows, that is to say:

Deposit, &c., to be general notice.

Sixthly. The deposit of a map or plan and Book of Reference, and the notice of such deposit, shall be deemed a general notice to all such parties as aforesaid of the lands which will be required for the said Railway and works;

Notice to opposite party,

Seventhly. The notice served upon the party shall contain:

1. A description of the lands to be taken, or of the powers intended to be exercised with regard to any lands, describing them;

2. A declaration of readiness to pay some certain sum or rent, as the case may be, as compensation for such lands or for such damages; and

3. The name of a person to be appointed as the arbitrator of the Company, if their offer be not accepted; and such notice shall be accompanied by the certificate of a sworn surveyor for Upper Canada or Lower Canada, as the case may be, disinterested in the matter, and not being the arbitrator named in the notice:

1. That the land, if the notice relate to the taking of land shewn on the said map or plan is required for the Railway, or is within the limits of deviation hereby allowed;

2. That he knows the land, or the amount of damage likely to arise from the exercise of the powers; and

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3. That the sum so offered is, in his opinion, a fair compensation for the land, and for the damages aforesaid ;

Eighthly. If the opposite party is absent from the district or county in which the lands lie, or is unknown; then, upon application to a judge of the circuit court, or of the county court, as the case may be, accompanied by such certificate as aforesaid, and by an affidavit of some officer of the Company that the opposite party is so absent, or that, after diligent enquiry, the party on whom the notice ought to be served cannot be ascertained, the judge shall order a notice as aforesaid, but without a certificate, to be inserted three times in the course of one month in some newspaper published in the said district or county ;

If the party be absent or unknown.

Ninthly. If within ten days after the service of such notice, or within one month after the first publication thereof as aforesaid, the opposite party does not notify to the Company his acceptance of the sum offered by them, or notify to them the name of a person whom he appoints as arbitrator, then the judge shall, on the application of the Company, appoint a sworn surveyor for Upper or Lower Canada, as the case may be, to be sole arbitrator for determining the compensation to be paid as aforesaid ;

Party not accepting the company's offer, and not appointing an arbitrator.

Tenthly. If the opposite party, within the time aforesaid, notifies to the Company the name of his arbitrator, then the two arbitrators shall jointly appoint a third, or if they cannot agree upon a third, then the judge shall, on the application of the party or of the company (previous notice of at least one clear day having been given to the other party), appoint a third arbitrator ;

Appointment of arbitrators by opposite party.

Third arbitrator,

Eleventhly. The arbitrators, or any two of them, or the sole arbitrator, being sworn before some justice of the peace for the district or county in which the lands lie, faithfully and impartially to perform the duties of their office, shall proceed to ascertain the said compensation in such way as they or he, or a majority of them, deem best, and the award of such arbitrators or any two of them, or of the sole arbitrator, shall be final and conclusive: But no such award shall be made, or any official act be done by such majority, except at a meeting held at a time and place of which the other arbitrator has had at least one clear day's notice, or to which some meeting at which the third arbitrator was present, had been adjourned; and no notice to either of the parties shall be necessary, but each party shall be held sufficiently notified through the arbitrator appointed by him, or whose appointment he required ;

Duties of arbitrators.

Twelfthly. If in any case where three arbitrators have been appointed, the sum awarded is not greater than that offered, paid.

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the costs of the arbitration shall be borne by the opposite party and be 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 the judge aforesaid;

Arbitrators
may examine
on oath.

Thirteenthly. The arbitrators, or a majority of them, or the sole arbitrator, may examine on oath or solemn affirmation, the parties, or such witnesses as voluntarily appear before him, or them, and may administer such oath or affirmation; and any wilfully false statements made by any witness, under such oath or affirmation, shall be deemed wilful and corrupt perjury, and punishable accordingly;

Time within
which award
must be made.

Fourteenthly. The judge, by whom any third arbitrator or sole arbitrator is appointed, shall, at the same time, fix a day on or before which the award shall be made, and if the same is not made on or before such day, or some other day to which the time for making it has been prolonged, either by the consent of the parties, or by the order of the judge (as it may be for reasonable cause shown, on the application of such sole arbitrator or of 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;

Arbitrator
dying, &c.

Fifteenthly. If the arbitrator appointed by such judge, or if any arbitrator appointed by the parties, dies before the award has been made, or is disqualified, or refuses or fails to act within a reasonable time, then, in the case of the arbitrator appointed by the judge upon the application of either party, such judge being satisfied by affidavit or otherwise of such death, disqualification, refusal or failure, may appoint another arbitrator in his place, and the Company and party respectively may each appoint an arbitrator in the place of his arbitrator deceased or otherwise not acting as aforesaid, but no recommencement or repetition of prior proceedings shall be required in any case;

Company may
desist paying
costs.

Sixteenthly. Any such notice for lands, as aforesaid, may be desisted from, and new notice given, with regard to the same or other lands, to the same or any other party, but in any such case the liability to the party first notified for all damages or costs by him incurred in consequence of such first notice and desistment shall subsist;

Arbitrators
not disquali-
fied unless
personally in-
terested.

Seventeenthly. The surveyor or other person, offered or appointed as valuator or as arbitrator, shall not be disqualified by reason that he is professionally employed by either party, or that he has previously expressed an opinion as to the amount of compensation, or that he is related or of kin to any member of the Company, provided he is not himself personally interested in the amount of the compensation; and no cause of disqualification

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disqualification shall be urged against any arbitrator appointed by the judge after his appointment, but the objection must be made before the appointment, and its validity or invalidity shall be summarily determined by the judge;

Eighteenthly. 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 the judge, on the application of either party; after one clear day's notice to the other, and if such cause is determined to be valid, the appointment shall be null, and the party offering the person so adjudged to be disqualified, shall be held not to have appointed an arbitrator;

No objection admissible after a third arbitrator has been appointed.

Nineteenthly. No award made as aforesaid shall be invalidated from any want of form or other technical objection, if the requirements of this Act have been complied with, and if the award 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;

Awards not avoided for want of form.

Twentiethly. Upon payment or legal tender of the compensation or annual rent so awarded or agreed upon 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 or agreement 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 has been awarded or agreed upon; and if any resistance or forcible opposition be made by any person to their so doing, the judge may, on proof to his satisfaction of such award or agreement, issue his warrant to the sheriff of the district or county, or to a bailiff, as he may deem most suitable, to put the said Company in possession, and to put down such resistance or opposition, which the sheriff or bailiff, taking with him sufficient assistance, shall accordingly do;

Possession may be taken on payment or tender, &c., of sum awarded.

Twenty-firstly. Such warrant may also be granted by any such judge, without such award or agreement, on affidavit to his satisfaction that the immediate possession of the lands or of the power to do the thing mentioned in the notice, is necessary to carry on some part of the said Railway with which the said Company are ready forthwith to proceed; and upon the said Company giving security to his satisfaction, and in a sum which shall not be less than double the amount mentioned in the notice, to pay or deposit the compensation to be awarded within

When warrant of possession may issue before award.

Security being first given, to deposit compensation.

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within one month after the making of the award, with interest from the time at which possession is given, and with such costs as may be lawfully payable by the Company;

When compensation to stand in the place of the land.

Twenty-secondly. The compensation for any lands which might be taken without the consent of the proprietor, shall stand in the stead of such lands; and any claim to or incumbrance upon the said lands, or any portion thereof, shall, as against the Company, be converted into claim to the compensation, or to a like proportion thereof, and they shall be responsible accordingly whenever they have paid such compensation, or any part thereof, to a party not entitled to receive the same, saving always their recourse against such party;

As to incumbrances, &c., upon lands, &c., purchased or taken in U.C.

Twenty-thirdly. If the Company has reason to fear any claims or incumbrances, or if any party to whom the compensation or annual rent, or any part thereof is payable, refuses to execute the proper conveyance and guarantee, or if the party entitled to claim the same cannot be found or is unknown to the Company, or if, for any other reason, the Company deems it advisable, the Company may, if the lands are situated in Upper Canada, pay such compensation into the office of either of the Superior Courts for Upper Canada, with the interest thereon for six months, and may deliver to the Clerk of the Court an authentic copy of the conveyance, or of the award or agreement, if there be no conveyance, and such award or agreement shall thereafter be deemed to be the title of the Company, to the land therein mentioned;

What notice to be published.

Twenty-fourthly. A notice, in such form and for such time as the said Court appoints, shall be inserted in some newspaper, if there be any, published in the county in which the lands are situate, and in the City of Toronto, which shall state that the title of the Company, that is, the conveyance, agreement or award, is under this Act, and shall call upon all persons entitled to the land, or to any part thereof, or representing or being the husbands of any party so entitled, to file their claims to the compensation or any part thereof, and all such claims shall be received and adjudged upon by the Court, and the said proceedings shall forever bar all claims to the lands or any part thereof, including dower, as well as all mortgages or incumbrances upon the same; and the Court shall make such order for the distribution, payment or investment of the compensation, and for the securing of the rights of all parties interested, as to right and justice, and according to the provisions of this Act, and the Special Act and to law, appertain;

By whom costs to be paid.

Twenty-fifthly. The costs of the proceedings, or any part thereof, shall be paid by the Company, or by any other party, as the Court may deem it equitable to order;

Twenty-sixthly.

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Twenty-sixthly. If such order of distribution as aforesaid be obtained in less than six months from the payment of the compensation into Court, 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 is not obtained until after the six months have expired, the Court shall order the Company to pay to the proper claimants the interest for such further period as may be right ;

When interest to be returned to, or paid by the Company.

Twenty-seventhly. If the lands so taken are situate in Lower Canada, and if the Company 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, is payable, refuses to execute the proper conveyance and guarantee, or if the party entitled to claim the compensation or rent cannot be found, or is unknown to the Company, or if for any other reason the Company deems it advisable, the Company may pay such compensation into the hands of the Prothonotary of the Superior Court for the district in which the land is situate, with the interest thereon for six months, and may 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 claims to the compensation, or any part thereof, and all such claims shall be received and adjudged upon by the Court ;

Case in which lands are situate in L.C. and Company have reason to fear incumbrances provided for.

Twenty-eighthly. Such judgment of confirmation shall forever bar all claims to the land, 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, and the Special Act, and according to the provisions of this Act, and to law, shall appertain ;

Effect of a judgment of confirmation.

Twenty-ninthly. The costs of the said proceedings, or any part thereof, shall be paid by the Company, or by any other party, as the Court 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 re-

By whom costs to be paid.

Interest.

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turned to the Company, and if from any error, fault or neglect of the Company, it is not obtained until after the six months have expired, the Court shall order the Company to pay the Prothonotary the interest for such further period as may be right.

The case of
Railway pass-
ing through
Indian lands
provided for.

Thirtiethly. If the Railway passes through any land belonging to or in possession of any tribe of Indians in this Province, or if any act occasioning damage to their lands be done under the authority of this Act, or the Special Act, compensation shall be made to them therefor, in the same manner as is provided with respect to the lands or rights of other individuals; and whenever it is necessary that arbitrators should be chosen by the parties, the chief officer of the Indian department within this Province is hereby authorised and required to name an arbitrator on behalf of the Indians, and where the lands belong to the Indians, the amount awarded in any case shall be paid to the said chief officer for the use of such tribe or body;

As to lands
belonging to
Her Majesty,
&c.

Sec. 14 & 15
Vic. cap. 51,
sec. 11.

Thirty-firstly. Whenever it is necessary for the Company to occupy any part of the lands belonging to the Queen, reserved for naval or military purposes, they shall first apply for and obtain the license or consent of Her Majesty, under the hand and seal of the Governor, and having obtained such license and consent, they may at any time or times enter into and enjoy any of the said lands for the purposes of the Railway; but in the case of any such naval or military reserves, no such license or consent shall be given except upon a report first made thereupon by the naval or military authorities in which such lands are for the time being vested, approving of such license and consent being so given as aforesaid.

7. HIGHWAYS AND BRIDGES.

Sec. 14 & 15
Vic. cap. 51,
sec. 12.

Railway not
to be carried
along any
highway with-
out leave from
municipal
authorities.

12. The highways and bridges shall be regulated as follows:

Firstly. The Railway shall not be carried along an existing highway, but merely cross the same in the line of the Railway, unless leave has been obtained from the proper Municipal authority therefor; and no obstruction of such highway with the works shall be made without turning the highway so as to leave an open and good passage, for carriages, and on completion of the works, replacing the highway, under a penalty of not less than forty dollars for any contravention; but, in either case, the rail itself, provided it does not rise above or sink below the surface of the road more than one inch, shall not be deemed an obstruction;

Railway not
to rise more
than one inch.

Secondly. No part of the Railway which crosses any highway without being carried over by a bridge, or under by a tunnel, shall

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shall rise above or sink below the level of the highway more than one inch; and the Railway may be carried across or above any highway within the limits aforesaid;

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Thirdly. The space of the arch of any bridge erected for carrying the Railway over or across any highway shall at all times be, and be continued of the open and clear breadth and space, under such arch, of not less than twenty feet, and of a height from the surface of such highway to the centre of such arch of not less than twelve feet; and the descent under any such bridge shall not exceed one foot in twenty feet;

Height and
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bridge over
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Fourthly. The ascent of all bridges erected to carry any highway over any Railway shall not be more than one foot in twenty feet increase over the natural ascent of the highway; and a good and sufficient fence shall be made on each side of every bridge, which fence shall not be less than four feet above the surface of the bridge;

Ascent of
bridges.

Fifthly. Signboards stretching across the highway crossed at a level by any Railway, shall be erected and kept up at each crossing at such height as to leave sixteen feet from the highway to the lower edge of the signboard, and having the words "Railway Crossing" painted on each side of the signboard, and in letters not less than six inches in length; and for every neglect to comply with the requirements of this clause, a penalty not exceeding forty dollars shall be incurred.

Precautions
when Railway
crosses a
highway
Sec. 14 & 15
Vic. cap. 51,
sec. 12.

8 FENCES.

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13. Fences shall be erected and maintained on each side of the Railway, of the height and strength of an ordinary division fence, with openings, or gates, or bars therein, at farm crossings of the road, for the use of the proprietors of the land adjoining the Railway; and also cattle guards at all road crossings, suitable and sufficient to prevent cattle and animals from getting on the Railway.

Fences to be
erected on
each side of
Railway.
Sec. 14 & 15
Vic. cap. 51,
sec. 13.

highway
a tunnel,
shall

14. The said words "openings, gates or bars," shall be held to mean and shall in all cases imply sliding gates commonly called hurdle gates, with proper fastenings; but this shall not be interpreted to the profit of those proprietors and tenants of land crossed by Railways in this Province who had received compensation from the Railway Companies for having omitted the erection of such gates before the tenth of June, one thousand eight hundred and forty-seven, nor shall it in any way affect or apply to any Railway constructed or in part constructed, on the tenth of June, one thousand eight hundred and forty-seven, but the same shall apply only to such Railways as may be constructed or commenced after that day.

Meaning of
certain words.
Sec. 20 Vic.
cap. 35, sec. 1.

15.

Liability of Company until cattle guards erected.
See 14 & 15
Vic. cap. 51,
sec. 13.

When to be exempted.
See 14 & 15
Vic. cap. 51,
sec. 13.

Persons prohibited going on the track, &c., with cattle, &c.
See 14 & 15
Vic. cap. 51,
sec. 13.

Or walking thereon.
See 14 & 15
Vic. cap. 51,
sec. 13, No. 1.

Dividing and separating of lands for Railway from neighbouring lands.
See 14 & 15
Vic. cap. 51,
sec. 13, No. 2.

Tolls to be fixed by By-laws or otherwise.
See 14 & 15
Vic. cap. 51,
sec. 14.

How payment of tolls enforced.
See 14 & 15
Vic. cap. 51,
sec. 14.

15. Until such fences and cattle guards are duly made, the Company shall be liable for all damages which may be done by their trains or engines to cattle, horses or other animals on the Railway.

16. After the fences or guards have been duly made, and while they are duly maintained, no such liability shall accrue for any such damages, unless negligently or wilfully done.

17. If any person rides, leads or drives any horse or other animal upon such Railway, and within the fences and guards, other than the farm crossings, without the consent of the Company, he shall for every such offence forfeit a sum not exceeding forty dollars, and shall also pay to the party aggrieved all damages sustained thereby.

18. No person other than those connected with, or employed by, the Railway shall walk along the track thereof, except where the same is laid across or along a highway.

19. Within six months after any lands have been taken for the use of the Railway, and if thereunto required by the proprietors of the adjoining lands respectively, but not otherwise, the Company shall, at their own costs and charges, set and make on the lands so taken, and from time to time maintain, support and keep in repair, a sufficient post or rail, hedge, ditch, bank or other fence sufficient to keep off hogs, sheep and cattle, and thereby divide and separate and keep constantly divided and separated such lands from the lands or grounds adjoining thereto.

9. TOLLS.

20. Tolls shall be from time to time fixed and regulated by the by-laws of the Company, or by the directors if thereunto authorized by the by-laws, or by the shareholders at any general meeting, and may be demanded and received for all passengers and goods transported upon the Railway or in the steam vessels to the undertaking belonging, and shall be paid to such persons and at such places near to the Railway, in such manner and under such regulations as the by-laws direct.

21. In case of denial or neglect of payment on demand of any such tolls, or any part thereof, to such persons, the same may be sued for and recovered in any competent court, or the agents or servants of the Company may seize the goods for or in respect whereof such tolls ought to be paid, and detain the same until payment thereof; and in the meantime the said goods shall be at the risk of the owners thereof.

22. If the tolls are not paid within six weeks, the Company may sell the whole or any part of such goods, and out of the money arising from such sale retain the tolls payable, and all charges and expenses of such detention and sale; rendering the surplus, if any, or such of the goods as remain unsold, to the person entitled thereto.

When if tolls not paid, goods distrained may be sold.
See 14 & 15
Vic. cap. 51,
sec. 14.

23. If any goods remain in the possession of the Company unclaimed for the space of twelve months, the Company may thereafter, and on giving public notice thereof by advertisement for six weeks in the *Canada Gazette*, and in such other papers as they deem necessary, sell such goods by public auction at a time and place to be mentioned in such advertisement, and out of the proceeds thereof pay such tolls and all reasonable charges for storing, advertising and selling such goods; and the balance of the proceeds, if any, shall be kept by the Company for a further period of three months, to be paid over to any party entitled thereto.

When goods distrained or detained may be sold.
See 14 & 15
Vic. cap. 51,
sec. 14.

24. In default of such balance being claimed before the expiration of the period last aforesaid, the same shall be paid over to the Receiver-General, to be applied to the general purposes of the Province, until claimed by the party entitled thereto.

How balance to be disposed of.
See 14 & 15
Vic. cap. 51,
sec. 14.

25. All or any of the tolls may, by any by-law, be reduced and again raised as often as deemed necessary for the interests of the undertaking; Provided that the same tolls shall be payable at the same time and under the same circumstances upon all goods and by all persons, so that no undue advantage, privilege or monopoly may be afforded to any person or class of persons by any by-laws relating to the tolls.

Tolls—how raised or reduced.
See 14 & 15
Vic. cap. 51,
sec. 14.

26. In all cases, a fraction in the distance over which goods or passengers are transported on the railway shall be considered as a whole mile; and for a fraction of a ton in the weight of any goods, a proportion of the tolls shall be demanded and taken, according to the number of quarters of a ton contained therein, and a fraction of a quarter of a ton shall be deemed and considered as a whole quarter of a ton.

A fraction of a mile to be considered as a whole one in charging tolls.
See 14 & 15
Vic. cap. 51,
sec. 14.

27. The directors shall, from time to time, print and stick up, or cause to be printed and stuck up, in the office, and in all and every of the places where the tolls are to be collected, and in every passenger car, in some conspicuous place there, a printed board or paper exhibiting all the tolls payable, and particularising the price or sum of money to be charged or taken for the carriage of any matter or thing.

Table of tolls to be stuck up in offices and cars.
See 14 & 15
Vic. cap. 51,
sec. 14.

28. No tolls shall be levied or taken until approved of by the Governor in Council, nor until after two weekly publications of the Governor.

Tolls to be approved of by the Governor.
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See 14 & 15
Vic. cap. 51,
sec. 14; and
10 & 11 Vic.
cap. 63, sec. 14.

The Governor
may revise by
laws fixing
tolls.

See 14 & 15
Vic. cap. 51,
sec. 14.

tions in the *Canada Gazette* of the by-law establishing such tolls, and of the Order in Council approving thereof.

39. Every by-law fixing and regulating tolls shall be subject to revision by the Governor in Council from time to time, after approval thereof as aforesaid; and after an Order in Council, reducing the tolls fixed and regulated by any by-law, has been twice published in the *Canada Gazette*, the tolls mentioned in such Order in Council shall be substituted for those mentioned in the by-law so long as the Order in Council remains unrevoked.

10. GENERAL MEETINGS.

Shareholders
may hold general
meetings.

See 14 & 15
Vic. cap. 51,
sec. 15.

30. The shareholders may assemble together at general meetings for purposes connected with or belonging to the undertaking, and at any annual general meeting, and may elect directors in the manner provided by the next preceding clause.

11. PRESIDENT AND DIRECTORS: THEIR ELECTION AND DUTIES.

Board of directors.

See 14 & 15
Vic. cap. 51,
sec. 16.

31. A board of directors of the undertaking to manage its affairs, the number whereof shall be stated in the Special Act, shall be chosen annually by a majority of the shareholders voting at such election at a general meeting, the time and place for which shall be appointed by the Special Act; and if such election is not held on the day so appointed, the directors shall notify and cause such election to be held within thirty days after the day appointed.

Who entitled
to vote.

See 14 & 15
Vic. cap. 51,
sec. 16.

32. On the day so notified, no person shall be admitted to vote except those who would have been entitled to vote had the election been held on the day when it ought to have been held.

Vacancies how
to be filled up.

See 14 & 15
Vic. cap. 51,
sec. 16.

33. Vacancies in the board of directors shall be filled in the manner prescribed by the by-laws.

Who qualified
to be a director.

See 14 & 15
Vic. cap. 51,
sec. 16.

34. No person shall be a director unless he is a stockholder, owning stock absolutely in his own right, and qualified to vote for directors at the election at which he is chosen.

Calling of special
meetings,
&c.

35. The method of calling general meetings, and the time and place of the first meeting of stockholders for the appointment of directors, shall be determined and settled in the Special Act.

36. The number of votes to which each shareholder shall be entitled on every occasion when the votes of the members are to be given, shall be in the proportion to the number of shares held by him, unless otherwise provided by Special Act. Votes to be in proportion to shares.

37. All shareholders, whether resident in this Province or elsewhere, may vote by proxy, if they see fit: Provided that such proxy produce from his constituent an appointment in writing, in the words or to the effect following, that is to say: Shareholders may vote by proxy.

I, _____, of _____, one of the shareholders of the _____, do hereby appoint _____, to be my proxy, and in my absence to vote or give my assent to any business, matter or thing relating to the said undertaking, that may be mentioned or proposed at any meeting of the shareholders of the said Company, or any of them, in such manner as he the said _____ thinks proper. In witness whereof I have hereunto set my hand and seal the _____ day of _____, in the year _____.

38. The votes by proxy shall be as valid as if the principals had voted in person; and every matter or thing proposed or considered in any public meeting of the shareholders shall be determined by the majority of votes and proxies then present and given, and all decisions and acts of any such majority shall bind the Company, and be deemed the decisions and acts of the Company. Votes by proxy to be valid.

39. The directors first appointed, or those appointed in their stead, in case of vacancy, shall remain in office until the next annual election of directors at the time appointed therefor, at which time an annual general meeting of the shareholders shall be held to choose directors for the ensuing year, and generally to transact the business of the Company. Term of office of directors.

40. In case of the death, absence or resignation of any of the directors, others may be appointed in their stead by the surviving directors; but if such appointment be not made, such death, absence or resignation shall not invalidate the acts of the remaining directors. Vacancies, how supplied. See 14 & 15 Vic. cap. 51, sec. 16.

41. The directors shall, at their first or at some other meeting, after the day appointed for the annual general meeting, elect one of their number to be the president of the Company, who shall always, when present, be the chairman of and preside at all meetings of the directors, and shall hold his office until he ceases to be a director, or until another president has been elected in his stead; and they may in a like manner elect a vice-president, who shall act as chairman in the absence of the president. President. Vice-President.

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Quorum.

42. The directors, at any meeting at which not less than a quorum to be settled by the Special Act, are present, shall be competent to use and exercise all and any of the powers vested in the directors.

Acts of majority bind the whole.

See 14 & 15 Vic. cap. 51. sec. 16, No. 7.

Casting vote.

43. The act of a majority of a quorum of the directors present at any meeting regularly held, shall be deemed the act of the directors.

44. No director shall have more than one vote at any meeting except the chairman, who shall in case of a division of equal numbers, have the casting vote.

Directors to be subject to shareholders and by-laws.

45. The directors shall be subject to the examination and control of the shareholders at their annual meetings, and be subject to all by-laws of the Company, and to the orders and directions from time to time made at the annual or at any special meetings, such orders and directions not being contrary to any express directions or provisions of this Act or the Special Act.

Officers of Company cannot be directors.

See 14 & 15 Vic. cap. 51. sec. 16, No. 8. and 22 Vic., cap. 4, sec. 1.

46. No person holding any office, place or employment in, or being concerned or interested in any contracts under or with, the Company, shall be capable of being chosen a director, or of holding the office of director, "nor shall any person being a director of the Company enter into, or be directly or indirectly, "for his own use and benefit, interested in any contract with "the Company, not relating to the purchase of land necessary "for the Railway, or be or become a partner of any contractor "with the Company, and no contracts for works of construction or maintenance of railways except works of ordinary repair, or of immediate necessity, shall be entered into until after "tenders for such works respectively have been invited by public notice therefor, given for at least four weeks in some newspaper published in the place nearest to the work required to be "done; but no Company shall be compelled to accept of any "such tender; and in the event of any such contract made "since the thirtieth of June, one thousand eight hundred and "fifty-eight, or made after this Act takes effect, by or on behalf "of any director, an action shall lie in any court of common law, or other court of competent jurisdiction against such director at the suit of any shareholder or stockholder of the "Company, for the benefit of the funds thereof, for the whole "amount of profit accruing to such director from the contract "so made or fulfilled."

By-laws for management of stock, &c. See 14 & 15.

47. The directors shall make by-laws for the management and disposition of the stock, property, business and affairs of the Company, not inconsistent with the laws of this Province, and

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and for the appointment of all officers, servants and artificers, *Vic. cap. 51, sec. 18, No. 9.*
and prescribing their respective duties.

12. CALLS.

48. The directors may from time to time make such calls of Calls.
money upon the respective shareholders, in respect of the *Sec 14 & 15*
amount of capital respectively subscribed or owing by them, *Vic. cap. 51,*
as they deem necessary, and thirty days' notice at the least *sec. 16, No. 10.*
shall be given of each call, and no call shall exceed the pre-
scribed amount determined in the Special Act, or be made at a
less interval than two months from the previous call, nor shall
a greater amount be called in, any one year, than the amount
prescribed in the Special Act.

49. All notices of meetings or of calls upon the shareholders *Notice of*
of the Company shall be published weekly in the *Canada* *meetings how*
Gazette, and the said Gazette shall on production thereof, be *published.*
conclusive evidence of the sufficiency of such notices. *Sec 14 & 15*
Vic. cap. 51.
sec. 16, No. 24.

50. Every shareholder shall be liable to pay the amount of *Payment of*
the call so made in respect of the shares held by him to *calls—how to*
persons and at the times and places from time to time appoint- *be made.*
ed by the Company or the directors.

51. If before or on the day appointed for payment, any *Interest to be*
shareholder does not pay the amount of the call, he shall be *chargeable on*
liable to pay interest for the same, at the rate of six per *unpaid calls.*
centum per annum, from the day appointed for the payment
thereof to time of the actual payment.

52. If at the time appointed for the payment of any call, *Amount of*
any shareholder fails to pay the amount of the call, he may *call may be*
be sued, for the same, in any court of law or equity having *recovered by*
competent jurisdiction, and the same may be recovered with *suit.*
lawful interest from the day on which the call became pay-
able.

53. In any action or suit to recover any money due upon *What formal-*
any call, it shall not be necessary to set forth the special mat- *ities necessary*
ter, but it shall be sufficient to declare that the defendant is *in actions for*
the holder of one share or more, stating the number of shares, *calls.*
and is indebted, in the sum of money to which the calls in ar-
rear amount, in respect of one call or more upon one share or
more, stating the number and amount of each of such calls
whereby an action hath accrued to the Company by virtue of
the Special Act.

54. The certificate of proprietorship of any share shall be *Certificate of*
admitted in all courts as *prima facie* evidence of the title of proprietorship
prima facie
any evidence.

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any shareholder, his executors, administrators, successors, or assigns, to the share therein specified.

55. But the want of such certificate shall not prevent the holder of any share from disposing thereof.

Penalty for refusal to pay calls.

56. Any person neglecting or refusing to pay a ratable share of the calls as aforesaid, for the space of two months after the time appointed for the payment thereof, shall forfeit their respective shares in the undertaking, and all the profit and benefit thereof; all which forfeitures shall go to the Company for the benefit thereof.

Forfeiture of share to be taken advantage of only at a general meeting.

57. No advantage shall be taken of the forfeiture, unless the same is declared to be forfeited at a general meeting of the Company, assembled at any time after such forfeiture is incurred.

Effect of forfeiture as to liabilities.

58. Every such forfeiture shall be an indemnification to and for every shareholder so forfeiting against all actions, suits or prosecutions whatever, commenced or prosecuted for any breach of contract or other agreement between such shareholder and the other shareholders with regard to carrying on the undertaking.

Directors may sell forfeited shares by auction.

59. The directors may sell, either by public auction or private sale, and in such manner and on such terms as to them seem meet, any shares so declared to be forfeited, and also any shares remaining unsubscribed for in the capital stock of the Company, or pledge such forfeited or unsubscribed shares for the payment of loans or advances made or to be made thereon, or of any sums of money borrowed or advanced by or to the Company.

Certificate of treasurer to be evidence of forfeiture and of title.

60. A certificate of the treasurer of the Company that the forfeiture of the shares was declared, shall be sufficient evidence of the fact, and of their purchase by the purchaser, and such certificate with the receipt of the treasurer for the price of such shares shall constitute a good title to the shares, and the certificate shall be by the said treasurer enregistered in the name and with the place of abode and occupation of the purchasers, and shall be entered in the books required to be kept by the by-laws of the Company, and such purchaser shall thereupon be deemed the holder of such shares, and shall not be bound to see to the application of the purchase-money, nor shall his title to such shares be affected by any irregularity in the proceedings in reference to such sale, and any shareholder may purchase any shares so sold.

Interest may be allowed to shareholders

61. Shareholders willing to advance the amount of their shares, or any part of the money due upon the respective shares beyond

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67. No upon which other share call remains the capital

beyond the sums actually called for, may pay the same, and upon the principal moneys so paid in advance, or so much thereof as from time to time exceeds the amount of the calls then made upon the shares in respect to which such advance is made, the Company may pay interest at the legal rate of interest for the time being, as the shareholders paying such sum in advance and the Company agree upon; but such interest shall not be paid out of the capital subscribed.

paying money
in advance on
their shares.

62. The directors shall cause to be kept, and annually, on the thirty-first day of December, shall cause to be made up and balanced, a true, exact and particular account of the money collected and received by the Company, or by the directors or managers thereof, or otherwise, for the use of the Company, and of the charges and expenses attending the erecting, making, supporting, maintaining and carrying on of the undertaking, and of all other receipts and expenditures of the Company or the directors.

Directors to
cause annual
accounts to be
kept.

63. At the general meetings of the shareholders of the undertaking, from time to time holden, a dividend shall be made out of the clear profits of the undertaking, unless such meetings declare otherwise.

Declaration of
dividend.

64. Such dividend shall be at and after the rate of so much per share upon the several shares held by the shareholders in the stock of the Company, as such meeting think fit to appoint or determine.

At so much
per share.

65. No dividend shall be made whereby the capital of the Company is in any degree reduced or impaired, or be paid thereout, nor shall any dividend be paid in respect of any share, after a day appointed for payment of any call for money in respect thereof until such call has been paid.

Dividends not
to impair the
capital.

66. The directors may, in their discretion, until the railroad is completed and open to the public, pay interest at any rate not exceeding six dollars per hundred dollars per annum, on all sums called up in respect of the shares, from the respective days upon which the same have been paid, such interest to accrue and be paid at such times and places as the directors appoint for that purpose.

Directors may
pay interest on
sums called up
in respect of
shares.

67. No interest shall accrue to the proprietors of any share upon which any call is in arrear in respect of such shares or any other share to be holden by the same shareholder while such call remains unpaid, nor shall any interest be paid or taken from the capital subscribed.

No interest on
shares in
arrear.

May appoint officers.

68. The directors shall from time to time appoint such officers as they deem requisite, and shall take sufficient security, by one or more penal bonds, or otherwise, from the manager and officers for the time being, for the safe keeping and accounting by them respectively of the moneys raised by virtue of this Act and the Special Act, and for the faithful execution of their offices, as the directors think proper.

Vice-president to act in the absence of the president.

69. In case of the absence or illness of the president, the vice-president shall have all the rights and powers of the president, and may sign all notes, bills, debentures, and other instruments, and perform all acts which by the regulations and by-laws of the Company or by the Acts incorporating the Company are required to be signed, performed and done by the president.

Absence of president may be entered in the minutes, and certified, &c.

See 14 & 15 Vic. cap. 51, sec. 16.

70. The directors may at any meeting require the secretary to enter such absence or illness among the proceedings of such meeting, and a certificate thereof signed by the secretary shall be delivered to any person or persons requiring the same on payment to the treasurer of one dollar, and such certificate shall be taken and considered as *prima facie* evidence of such absence or illness, at and during the period in the said certificate mentioned, in all proceedings in courts of justice or otherwise.

13. SHARES AND THEIR TRANSFER.

Shareholders may dispose of shares.

See 14 & 15 Vic. cap. 51, sec. 17.

71. Shares in the undertaking may, by the parties, be sold and disposed of by instrument in writing, to be made in duplicate, one part of which shall be delivered to the directors, to be filed and kept for the use of the Company, and an entry thereof shall be made in a book to be kept for that purpose; and no interest on the shares transferred shall be paid by the purchaser until such duplicate is so delivered, filed and entered.

Form of sale.

72. Sales shall be in the form following, varying the names and descriptions of the contracting parties, as the case may require:—

I, A. B., in consideration of the sum of _____, paid to me by C. D., hereby do sell and transfer to him _____ share (or shares) of the stock of the _____, to hold to him the said C. D., his heirs, executors, administrators and assigns, subject to the same rules and orders, and on the same conditions that I held the same immediately before the execution thereof. 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. Witness our hands this _____ day of _____ in the year 18 _____

73. The estate, but calls there been declar and no tra

74. If death, ban the testa than the tr such share Company a manner of copy or pro extracts the be necessar entitled to vote in resp

75. Mun for any num guarantee t Company fr antee the pa pany for th levy from ti municipality engagement debentures tively, not l interest, as s

76. Any shall be vali signed or inc and in such the corporati necessary, no the debentur

77. No m incur any d unless and u and adopted manner deter thereof, conta east four tin

73. The stock of the Company shall be deemed personal estate, but no shares shall be transferable until all previous calls thereon have been fully paid in, or the said shares have been declared forfeited for the non-payment of calls thereon, and no transfer of less than a whole share shall be valid.

Stock to be personal estate — Transfer of. See 14 & 15 Vic. cap. 51, sec. 17.

74. If any share in the Company be transmitted by the death, bankruptcy, or last will, donation, or testament, or by the intestacy of any shareholder, or by any lawful means other than the transfer hereinbefore mentioned, the party to whom such share is so transmitted, shall deposit in the office of the Company a statement in writing, signed by him, declaring the manner of such transmission, together with a duly certified copy or probate of such will, donation or testament, or sufficient extracts therefrom, and such other documents or proof as may be necessary, and without which such party shall not be entitled to receive any share of the profits of the Company, nor vote in respect of any such share as the holder thereof.

Transmission of shares other than by transfer provided for. See 14 & 15 Vic. cap. 51, sec. 17.

14. MUNICIPALITIES.

75. Municipal corporations in this Province may subscribe for any number of shares in the capital stock of, or lend to, or guarantee the payment of any sum of money borrowed by the Company from any corporation or person, or indorse or guarantee the payment of any debenture to be issued by the Company for the money by them borrowed, and may assess and levy from time to time upon the whole ratable property of the municipality a sufficient sum for them to discharge the debt or engagement so contracted, and for the like purpose may issue debentures payable at such times and for such sum respectively, not less than twenty dollars, and bearing or not bearing interest, as such municipal corporation thinks meet.

Municipal corporations may take stock. See 14 & 15 Vic. cap. 51, sec. 18.

76. Any such debenture issued, indorsed, or guaranteed shall be valid and binding upon the municipal corporation, if signed or indorsed, and countersigned by the officer or person, and in such manner and form as directed by any by-law of the corporation, and the corporation seal thereto shall not be necessary, nor the observance of any other form with regard to the debentures than such as directed in the by-law.

Debentures issued by them to be binding. See 14 & 15 Vic. cap. 51, sec. 18.

77. No municipal corporation shall subscribe for stock, or incur any debt or liability under this Act, or the Special Act, unless and until a by-law to that effect has been duly made and adopted with the consent first had of a majority of the qualified electors of the municipality, to be ascertained in the manner determined by the by-law, after public advertisement thereof, containing a copy of such proposed by-law, inserted at least four times in each newspaper printed within the limits of the

They cannot subscribe for stock unless by-laws are made for that purpose. See 14 & 15 Vic. cap. 51, sec. 18.

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the municipality, or if none be printed therein, then in some one or more newspapers printed in the nearest city or town thereto and circulated therein, and also put up in at least four of the most public places in each municipality.

Mayor, &c., to be, *ex officio*, a director in certain cases.
See 13 and 14 Vic. cap. 129, sec. 5; and 14 and 15 Vic. cap. 51, sec. 18.

78. The mayor, warden, or reeve, being the head of such municipal corporation subscribing for and holding stock in the Company to the amount of twenty thousand dollars or upwards, shall be, *ex officio*, one of the directors of the Company in addition to the number of directors authorized by the Special Act, and shall have the same rights, powers and duties, as any of the directors of the Company.

Mayor, &c., not to vote for directors of Companies incorporated before 14 June, 1853.
See 16 Vic. cap. 169, sec. 5.

79. No such mayor, warden, reeve or other chief officer, or other person representing any municipality having or taking stock in any Railway Company, shall, directly or indirectly, vote on the election or appointment of the private directors of any Railway Company incorporated previous to or during the session held in the sixteenth year of Her Majesty's reign, unless the Special Act of Incorporation of such Company expressly provides therefor.

15. SHAREHOLDERS.

Shareholders individually liable.
See 14 and 15 Vic. cap. 51, sec. 19.

80. Each shareholder shall be individually liable to the creditors of the Company to an amount equal to the amount unpaid on the stock held by him, for the debts and liabilities thereof, and until the whole amount of his stock has been paid up; but shall not be liable to an action therefor before an execution against the Company has been returned unsatisfied in whole or in part, and the amount due on such execution shall be the amount recoverable with costs against such shareholders.

Stock may be increased.
See 14 and 15 Vic. cap. 51, sec. 19.

81. The original capital stock may be increased from time to time to any amount; but such increase must be sanctioned by a vote in person or by proxy of at least two-thirds in amount of all the shareholders, at a meeting of them expressly called by the directors for that purpose, by a notice in writing to each shareholder, served on him personally, or properly directed to him, and deposited in the post-office nearest to his place of residence, at least twenty days previous to such meeting, stating the time and place and object of the meeting, and the amount of increase; and the proceedings of such meeting must be entered on the minutes of the proceedings; and thereupon the capital stock may be increased to the amount sanctioned by such a vote.

Company not to take stock in other companies.
See 14 and 15 Vic. cap. 51, sec. 19.

82. The funds of the Company shall not be employed in the purchase of any stock in their own or in any other company.

83. A tained b months or if the next after not after and give evidence the same and the

84. E way wha Railway, dental or guilty of punished or county penitenti

85. Al dice of the stroying t stations, o works or therewith fully or m of the R preventing taining th demeanor, other Act be guilty person is t ished in felony (as laws in for

86. All Special Ac which are r the offence peace for th either by th ation of an fee or rewa

16. ACTIONS FOR INDEMNITY, AND FINES AND PENALTIES AND THEIR PROSECUTION.

83. All suits for indemnity, for any damage or injury sustained by reason of the Railway, shall be instituted within six months next after the time of such supposed damage sustained or if there be continuation of damage, then within six months next after the doing or committing such damage ceases, and not afterwards; and the defendants may plead the general issue, and give this Act and the Special Act and the special matter in evidence at any trial to be had thereupon, and may prove that the same was done in pursuance of and by authority of this Act and the Special Act.

Limitation of actions for damages.
See 14 and 15 Vic. cap. 51, sec. 20.

84. Every person who, by any means or in any manner or way whatsoever, obstructs or interrupts the free use of the Railway, or the carriages, vessels, engines, or other works incidental or relative thereto, or connected therewith, shall be guilty of a misdemeanor, and on conviction thereof, shall be punished by imprisonment in the common gaol of the district or county where the conviction takes place, or in the provincial penitentiary, for a term not to exceed five years.

Penalty on persons obstructing free use of railway.
See 14 and 15 Vic. cap. 52, sec. 20.

85. All persons wilfully and maliciously, and to the prejudice of the Railway, breaking, throwing down, damaging or destroying the same, or any part thereof, or any of the buildings, stations, depots, wharves, vessels, fixtures, machinery or other works or devices incidental and relative thereto, or connected therewith, or doing any other wilful hurt or mischief, or wilfully or maliciously obstructing or interrupting the free use of the Railway, vessels or works, or obstructing, hindering or preventing the carrying on, completing, supporting and maintaining the Railway, vessels or works, shall be guilty of a misdemeanor, unless the offence committed amounts, under some other Act or law, to a felony, in which case such person shall be guilty of a felony, and the court by and before whom the person is tried and convicted, may cause such person to be punished in like manner as persons guilty of misdemeanor or felony (*as the case may be*) are directed to be punished by the laws in force in this Province.

Penalty on persons damaging railway.
See 14 and 15 Vic. cap. 51, sec. 20.

86. All fines and forfeitures imposed by this Act or the Special Act, or by any by-law, the levying and recovering of which 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, county, or place where the act occurred, either by the confession of the party, or by the oath or affirmation of any one credible witness, to be administered without fee or reward, be levied by distress and sale of the offender's goods

Fines, how recovered.
See 14 and 15 Vic. cap. 51, sec. 20.

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goods and chattels, by warrant under the hand and seal or hands and seals of such justice or justices.

How applicable.
See 14 and 15
Vic. cap. 51,
sec. 20.

87. All fines, forfeitures and penalties, the application whereof is not hereinbefore particularly directed, shall be paid into the hands of the treasurer of the Company, to be applied to the use thereof, and the overplus of the money so raised, after deducting the penalty and the expenses of the levying and recovering thereof, shall be returned to the owner of the goods so distrained and sold.

When party may be committed.

88. In case sufficient goods and chattels whereof to levy the penalty and expenses are not found, the offender shall be sent to the common gaol for the county or district in which he has been convicted, there to remain without bail or mainprize, for such term, not exceeding one month, as the justice or justices think proper, unless the penalty or forfeiture, and all expenses attending the same, be sooner paid or satisfied.

Appeal.
See 14 and 15
Vic. cap. 51,
sec. 20.

89. Every such person or persons may, within four months after the conviction, appeal against the same to the Court of General Quarter Sessions, to be holden in and for the county or district.

Contravention of this Act &c., to be a misdemeanor.
See 14 and 15
Vic. cap. 51,
sec. 20.

90. All contraventions of this Act or of the Special Act, by the 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 not exempt the Company, if they be the offending party, from the forfeiture by this Act and the Special Acts, of the privileges conferred on them by the said Acts, if by the provisions thereof or by law, the same be forfeited by such contravention.

17. BY-LAWS—NOTICES, &C.

By-laws to be put into writing and signed by chairman.
See 14 and 15
Vic. cap. 51,
sec. 20, No6.

91. All by-laws, rules and orders regularly made, shall be put into writing and signed by the chairman or person residing at the meeting at which they are adopted, and shall be kept in the office of the Company; and a printed copy of so much of them as relates to or affects any party other than the members or servants of the Company, shall be affixed openly in all and every passenger car, and in all and every place where tolls are to be gathered, and in like manner so often as any change or alteration is made to the same; and any copy of the same, or any of them, certified as correct by the president or secretary, shall be deemed authentic, and shall be received as evidence thereof in any court, without further proof.

By-laws to be submitted to Governor.
See 14 and 15
Vic. cap. 51,
sec. 20.

92. All such by-laws, rules and orders shall be submitted from time to time to the Governor for approval.

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93. Copies of the minutes of proceedings and resolutions of the shareholders of the Company, at any general or special meeting, and of the minutes of proceedings and resolutions of the directors, at their meetings, extracted from the minute books kept by the secretary of the Company, and by him certified to be true copies extracted from such minute books, shall be *prima facie* evidence of such proceedings and resolutions in all courts of civil jurisdiction.

Copies of minutes to be *prima facie* evidence.

94. All notices given by the secretary of the Company, by order of the directors, shall be deemed notices by the directors of the Company.

Notices by secretary valid. See 14 and 15 Vic. cap. 51, sec. 20.

18. WORKING OF THE RAILWAY.

95. Every servant of the undertaking employed in a passenger train, or at a station for passengers, shall wear upon his hat or cap, a badge, which shall indicate his office; and he shall not without such badge be entitled to demand or receive from any passenger any fare or ticket, or to exercise any of the powers of his office, nor meddle or interfere with any passenger or his baggage or property.

Servants to wear badges. See 14 and 15 Vic. cap. 51, sec. 21.

96. The trains shall start and run at regular hours to be fixed by public notice, and shall furnish sufficient accommodation for the transportation of all such passengers and goods as are within a reasonable time previous thereto offered for transportation at the place of starting, and at the junctions of other railways, and at usual stopping places established for receiving and discharging way passengers and goods from the trains.

Trains to start at regular hours. See 14 and 15 Vic. cap. 51, sec. 21.

97. Such passengers and goods shall be taken, transported and discharged at, from, and to, such places, on the due payment of the toll, freight and fare legally authorized therefor.

Passengers and goods to be carried on payment of fare or freight. See 14 and 15 Vic. cap. 51, sec. 21.

98. The party aggrieved by any neglect or refusal in the premises, shall have an action therefor against the Company.

The company liable for neglect or refusal. See 14 and 15 Vic. cap. 51, sec. 21.

99. Checks shall be affixed by an agent or servant to every parcel or baggage having a handle, loop or fixture of any kind thereupon, and a duplicate of such check shall be given to the passenger delivering the same.

Checks to be fixed on parcels. See 14 and 15 Vic. cap. 51, sec. 21.

100. If such check be refused on demand, the Company shall pay to such passenger the sum of eight dollars, to be recovered in a civil action; and, further, no fare or toll shall be collected

Penalty for refusing to give checks. See 14 & 15.

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*Vic. cap. 51,
sec. 21.*

or received from such passenger, and if he has paid his fare, the same shall be refunded by the conductor in charge of the train.

*Passenger a
witness in his
own behalf.
See 14 & 15
Vic. cap. 51,
sec. 21.*

101. Any passenger producing such check may himself be a witness in any suit brought by him against the Company, to prove the contents and value of his baggage not delivered to him.

*Baggage cars
not to be in
rear of passen-
ger cars.
See 14 & 15
Vic. cap. 51,
sec. 21.*

102. The baggage, freight, merchandise or lumber cars shall not be placed in rear of the passenger cars, and if any such be so placed, the officer or agent directing or knowingly suffering such arrangement, and the conductor of the train shall severally be guilty of a misdemeanor, and be punished accordingly.

*Locomotives
to have bells
or steam
whistles.
See 14 & 15
Vic. cap. 51,
sec. 21.*

103. Every locomotive engine shall be furnished with a bell of at least thirty pounds weight, or with a steam whistle.

*To be rung or
sounded at
every cross-
ing, &c.
See 14 & 15
Vic. cap. 51,
sec. 21.*

104. The bell shall be rung, or the whistle sounded, at the distance of at least eighty rods from every place where the Railway crosses any highway, and be kept ringing or be sounded at short intervals, until the engine has crossed such highway, under a penalty of eight dollars for every neglect thereof, to be paid by the Company, who shall also be liable for all damages sustained by any person by reason of such neglect, one half of which penalty and damages shall be chargeable to and collected by the Company from the engineer having charge of such engine and neglecting to sound the whistle or ring the bell as aforesaid.

*Intoxication
of conductor a
misdemeanor.
See 14 & 15
Vic. cap. 51,
sec. 21.*

105. All persons in charge of a locomotive engine, or acting as the conductor of a car or train of cars, who is intoxicated, shall be deemed guilty of a misdemeanor.

*Passenger re-
fusing to pay
fare may be
put out.
See 14 & 15
Vic. cap. 51,
sec. 21; and 16
Vic. cap. 99,
sec. 12.*

106. Any passenger refusing to pay his fare, and his baggage, may, by the conductor of the train and the servants of the Company, be put out of the cars at any usual stopping place, or near any dwelling house, as the conductor elects, the conductor first stopping the train and using no unnecessary force.

*Passengers to
have no claim
if injured when
on platform of
cars, &c
See 14 & 15
Vic. cap. 51,
sec. 21.*

107. Any passenger injured while on the platform of a car, or on any baggage, wood or freight car, in violation of the printed regulations posted up at the time in a conspicuous place inside of the passenger cars then in the train, shall have no claim for the injury, provided room inside of such passenger cars, sufficient for the proper accommodation of the passengers, was furnished at the time.

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19. GENERAL PROVISIONS.

108. The Company shall not be bound to see to the execution of any trust, whether express, implied or constructive, to which any of the shares may be subject; and the receipt of the party in whose name any share stands in the books of the Company, or if it stands in the name of more parties than one, the receipt of one of the parties named in the register of shareholders, shall from time to time be a sufficient discharge to the Company for any dividend or other sum of money payable in respect of the share, notwithstanding any trust to which the share may then be subject, and whether or not the Company have had notice of the trust; and the Company shall not be bound to see to the application of the money paid upon such receipts.

Company not bound to see to execution of trusts.
See 14 & 15 Vic. cap. 51, sec. 22.

109. 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, shall at all times, when thereunto required by Her Majesty's Provincial Postmaster-General, the Commander of the Forces, or any person having the superintendence or command of any police force, and with the whole resources of the Company, if required, be carried on the Railway, on such terms and conditions, and under such regulations as the Governor in Council makes.

Provision as to the carriage of Her Majesty's mails, &c.
See 14 & 15 Vic. cap. 51, sec. 22; and 12 Vic. cap. 28, sec. 1.

110. The Governor, or any person thereunto authorised by him, may require the Company to place any electric telegraph, and the apparatus and operators they may have, at the exclusive use of the Government, receiving thereafter reasonable compensation for such service.

Electric telegraph.
See 14 & 15 Vic. cap. 51, sec. 22.

111. Any further enactments which the Legislature of this Province may hereafter make, for the carriage of the mail or Her Majesty's forces, and other persons and articles as aforesaid, or the tolls therefor, or in any way respecting the use of any electric telegraph or other service to be rendered to the Government, shall not be deemed an infringement of the privileges intended to be conferred by this Act or the Special Act.

See 14 & 15 Vic. cap. 51, sec. 22.

112. A true and perfect account of the names and places of abode of the several shareholders shall be entered in a book to be kept for that purpose, as well as of the several persons who from time to time become proprietors of, or entitled to any shares therein, and of all the other acts, proceedings, and transactions of the Company and of the directors for the time being.

Account of names and residences of shareholders to be kept:
See 14 & 15 Vic. Cap. 51, sec. 22.

Maps &c., of
railway to be
filed in the
Board of
Works office.
See 14 & 15
Vic. cap. 51,
sec. 22.

113. A map and profile of the completed Railway and of the land taken or obtained for the use thereof, shall, within a reasonable time after completion of the undertaking, be made and filed in the office of the Commissioners of Public Works, and like maps of the parts thereof located in different counties, shall be filed in the registry offices for the counties in which such parts are respectively situate.

On what scale
and paper to
be drawn
See 14 & 15
Vic. cap. 51,
sec. 22.

114. Every such map shall be drawn on such a scale, and on such paper, as may from time to time be designated for that purpose by the Chief Commissioner of Public Works, and shall be certified and signed by the president or engineer of the corporation.

Account to be
submitted to
Legislature.
See 14 & 15
Vic. cap. 51,
sec. 22.

115. After the opening of the Railway or any part thereof to the public, and within the first fifteen days after the opening of each session of the Provincial Parliament, an account shall be annually submitted to the three branches of the Legislature, containing a detailed and particular account, attested upon oath of the president or in his absence of the vice-president, of the moneys received and expended by the Company, and a classified statement of the passengers and goods transported by them, with an attested copy of the last annual statement.

Variation in
form or details
may be made.
See 14 & 15
Vic. cap. 51,
sec. 22.

116. No further provisions which the Legislature may hereafter make with regard to the form or details of such account, or the mode of attesting or rendering the same, shall be deemed an infringement of the privileges hereby granted to the Company.

Ten per cent.
to be paid with
in three years
from passing
of Special Act.
See 14 & 15
Vic. cap. 51,
sec. 22.

117. If the construction of the Railway be not commenced and ten per cent. on the amount of the capital be not expended thereon, within three years after the passing of the Special Act, or if the Railway is not finished and put in operation in ten years from the passing of such Special Act, the corporate existence and powers of the Company shall cease.

When Parlia-
ment may re-
duce tolls on
railways.
See 14 & 15
Vic. cap. 51,
sec. 22.

118. The Legislature of this Province may from time to time reduce the tolls upon the Railway, but not without consent of the Company, or so as to produce less than fifteen per cent. per annum profit on the capital actually expended in its construction; nor unless, on an examination made by the Commissioners of Public Works of the amount received and expended by the Company, the net income from all sources, for the year then last passed, is found to have exceeded fifteen per cent. upon the capital so actually expended.

As to goods of
a dangerous
nature.

119. No person shall be entitled to carry or to require the Company to carry upon their Railway, aqua fortis, oil of vitriol gunpowder, lucifer matches, or any other goods, which, in the judgment

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judgment of the Company, may be of a dangerous nature; and if any person sends by the said Railway any such goods without, at the time of so sending the said goods, distinctly marking their nature on the outside of the package containing the same and otherwise give notice in writing to the bookkeeper or other servant of the Company with whom the same are left, he shall forfeit to the Company the sum of twenty dollars for every such offence.

*See 14 & 15
Vic. cap. 51,
sec. 22.*

120. The Company may refuse to take any package or parcel which they suspect to contain goods of a dangerous nature, or may require the same to be opened to ascertain the fact.

*Dangerous goods may be refused.
See 14 & 15
Vic. cap. 51,
sec. 22.*

121. The offence of forging any debentures or a coupon of any debenture issued under the authority of this Act or of the Special Act, or of uttering any such debenture or coupon, knowing the same to be forged, or of being accessory before or after the fact to any such offence, shall be deemed felony, and be punished accordingly.

*Forging debentures, &c., deemed felony.
See 14 & 15
Vic. cap. 51,
sec. 22.*

122. The Company shall make and keep in repair all fences, roads, and watercourses, and be subject to all municipal regulations and provisions in respect thereof, in or for lands belonging to or held by the Company, and subject to any such regulations, or to any charges, public, municipal, or local, as the case may be, in any county, parish, or township in Lower Canada through which the Railway passes; and the Company may, in default or contravention thereof, be prosecuted therefor by the officers of the municipality, before the Commissioner's court or circuit court within the jurisdiction of which such fence, road, or watercourse may be, and the service of the summons upon any clerk or officer in charge of the section of the railway, within the said jurisdiction, or at the nearest depot of the railway, shall be good service upon the Company.

*Company bound to make and repair fences, roads, &c.
See 14 & 15
Vic. cap. 51,
sec. 22.*

123. Every Special Railway Act shall be a Public Act.

Special Act to be a Public Act.

124. The Legislature may at any time annul or dissolve any corporation formed under this Act; but such dissolution shall not take away or impair any remedy given against any such corporation, its shareholders, officers, or servants, for any liability which had been previously incurred.

*Legislature may dissolve any Corporation formed under this Act.
See 14 & 15
Vic. cap. 51,
sec. 22.*

125. Nothing herein contained shall affect in any manner the rights of Her Majesty, or of any person, or of any body politic, corporate or collegiate, such only excepted as are herein mentioned.

*Saving of Her Majesty's rights, &c.
See 14 & 15
Vic. cap. 51,
sec. 22.*

See 14 & 15
Vic. cap. 51,
sec. 22.

126. No amendment or alteration in this Act shall be held to be an infringement of the rights of any Company authorized to construct a Railway by any Act passed on or since the 30th of August, 1851, or by any Act of this or any future session with which this Act is incorporated.

GENERAL PROVISIONS FOR ALL RAILWAYS.

127. Unless otherwise provided, the following sections shall apply to every Railway made or to be made in this Province.

20. POWERS.

Any railway
company may
construct
branch rail-
ways, on cer-
tain condi-
tions.

See 16 Vic.
cap. 169, sec. 9

128. Any incorporated Railway Company may construct a branch or branches not exceeding six miles in length from any terminus or station of the Railway of such Company, whenever a by-law sanctioning the same has been passed by the Municipal Council of the Municipality within the limits of which such proposed branch is situate, and no such branch shall, as to the quality and construction of the road, be subject to any of the restrictions contained in the Special Act of Incorporation of such Company or in this Act, nor shall any thing in either of the said Acts authorize any Company to take for such branch any lands belonging to any party without the consent of such party first obtained.

Changes may
be made in the
line of a rail-
way at any
time for cer-
tain purposes.

See 22 Vic.
(1858), cap.
4, sec. 2.

129. Any Railway Company desiring at any time to change the location of its line of Railway in any particular part for the purpose of lessening a curve, reducing a gradient, or otherwise benefiting such line of Railway, or for any other purpose of public advantage, may make such change; and all and every the clauses of this Act shall refer as fully to the part of any such line of Railway so at any time changed or proposed to be changed as to the original line; but no Railway Company shall have any right to extend its line of Railway beyond the termini mentioned in the Act incorporating such Company.

But not with-
out application
to the Board
of Railway
Commis-
sioners.

See 22 Vic.
cap. 4, sec. 2;
and 14 & 15
Vic. cap. 51,
sec. 5, No. 15.

130. No Railway Company shall avail itself of any of the powers contained in the fifteenth sub-section of the ninth section of this Act, without application to the Board of Railway Commissioners, constituted by the one hundred and seventy-eighth section of this Act of which application notice in writing shall be given to any other Railway affected, by sending the same by mail, or otherwise, to the address of the president, superintendent, managing director, or secretary of any such Railway Company, for approval, of the mode of crossing, union or intersection proposed; and when such approval has been obtained, it shall be lawful for either Railway, in case of disagreement as to the amount to be paid for compensation, to proceed for such compensation as provided in the said sub-section.

131. The directors of any Railway Company may at any time, and from time to time, make and enter into any agreement or arrangement with any other Company, either in this Province or elsewhere; for the regulation and interchange of traffic passing to and from the Railways of the said Companies, and for the working of the traffic over the said Railways respectively; or for either of those objects separately, and for the division and apportionment of tolls, rates, and charges in respect of such traffic, and generally in relation to the management and working of the Railways, or any of them, or any part thereof, and of any Railway or Railways in connection therewith, for any term not exceeding twenty-one years, and to provide, either by proxy or otherwise, for the appointment of a joint committee or committees for the better carrying into effect any such agreement or arrangement, with such powers and functions as may be considered necessary or expedient, subject to the consent of two-thirds of the stockholders voting in person or by proxy.

One company may agree with another respecting traffic.

Amended by 24 Vic. cap. 17, sec. 4. See Grand Trunk Act of 1858, 22 Vic. cap. 52, sec. 10.

See 22 Vic. cap. 4, sec. 2.

132. The provisions of the three last sections of this Act shall, from the time it takes effect, apply to every Railway made or to be made in this Province, but shall not apply to anything done before the thirtieth of June, one thousand eight hundred and fifty-eight.

Application of the three last sections not prior to 30th June, 1858. See 22 Vic. cap. 4, sec. 2.

21. LANDS AND THEIR VALUATION.

133. No Railway Company shall take possession of, use, or occupy any lands vested in Her Majesty, without the consent of the Governor in Council; but with such consent any such Company may take and appropriate for the use of their Railway and works, but not alienate, so much of the wild lands of the Crown lying on the route of the said Railway, as have not been granted or sold, and as may be necessary for their Railway, as also so much of the land covered with the waters of any lake, river, stream, or canal, or of their respective beds, as is necessary for making and completing and using their said Railway and works, but nothing in this section contained shall apply to the thirty and thirty-first paragraphs of the eleventh section of this Act.

Conditions on which the company may carry their railway across any canal, rivers, or navigable water.

See 16 Vic. cap. 169, sec. 8; and see also sec. 8, No. 3 of this Act, ante.

22. RAILWAY GROUNDS TO BE KEPT IN ORDER.

134. Every Railway Company whether any of the clauses or provisions of this Act be or be not incorporated with the Act incorporating such Company, shall cause all cleared land or ground adjoining their Railway and belonging to such Company, to be sown or laid down with grass or turf, and cause the same so far as may be in their power, to be covered with grass or turf, if not already so covered, and cause all thistles and other

Ground adjoining any railway and belonging to the company to be laid down with grass and cleared of weeds, &c. See 16 Vic. cap. 169, sec.

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noxious weeds growing on such land or ground, to be cut down and kept constantly cut down, or to be rooted out of the same.

Consequence
of omitting to
do so.

See 16 Vic.
cap. 169, sec. 7.

135. If any Railway Company fail to comply with the requirements of the last preceding section within twenty days after they have been required to comply with the same, by notice from the mayor, reeve, or chief officer of the municipality of the township or county in which the land or ground lies, such Company shall thereby incur a penalty of two dollars to the use of the municipality for each day during which they neglect to do anything which they are lawfully required to do by such notice, and the said mayor, reeve or officer may cause all things to be done which the said Company were lawfully required to do by such notice, and for that purpose may enter by himself and his assistants or workmen upon such lands or grounds, and such municipality may recover the expenses and charges incurred in so doing, and the said penalty, with costs of suit, in any court having jurisdiction in civil cases to the amount sought to be recovered.

23. HIGHWAYS AND BRIDGES.

Not to impede
navigation.

See 16 Vic.
cap. 169, sec. 8.

136. No such Company shall cause any obstruction in or impede the free navigation of any river, stream or canal to or across or along which their Railway is carried.

Railway cross-
ing rivers, &c.,
regulated.

See 16 Vic.
cap. 169, sec. 8.

137. If the Railway be carried across any navigable river or canal, the Company shall leave openings between the abutments or piers of their bridge or viaduct over the same, and shall make the same of such clear height above the surface of the water, or shall construct such drawbridge or swingbridge over the channel of the river, or over the whole width of the canal, and shall be subject to such regulations as to the opening of such swingbridge and drawbridge as the Governor in Council from time to time makes.

Plans to be
submitted to
the Governor
in Council.

See 16 Vic.
cap. 169, sec. 8;
ante, sec. 9,
No. 3.

138. It shall not be lawful for any such Company to construct any wharf, bridge, pier, or other work upon or over any navigable river, lake or canal, or upon the beach, or bed, or lands covered with the waters thereof, until they have first submitted the plan and proposed site of such work to the Governor in Council, and the same has been by him approved; and no deviation from such approved site and plan shall be made without his consent.

Exception
where special
powers given
by the Special
Act.

See 16 Vic.
cap. 169, sec. 8.

139. Nothing contained in the one hundred and thirty-third, one hundred and thirty-sixth, one hundred and thirty-seventh, and one hundred and thirty-eighth sections, or in the thirtieth and thirty-first paragraphs of the eleventh section of this Act, shall be construed to limit or affect any power expressly given

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to any Railway Company by its Special Act of Incorporation or any Special Act amending the same.

140. The Governor in Council, upon the report of the Board of Railway Commissioners, may authorize or require any Railway Company to construct fixed and permanent bridges, or to substitute such bridges in the place of the swing, draw, or moveable bridges on the line of such Railway, within such time as the Governor in Council directs; and for every day after the period so fixed during which the Company uses such swing, draw, or moveable bridges, the Company shall forfeit and pay to Her Majesty the sum of two hundred dollars; and it shall not be lawful for any Railway Company to substitute any swing, draw, or other moveable bridge in the place or stead of any fixed or permanent bridge already built and constructed without the consent of the Governor in Council previously had and obtained.

Governor may order permanent bridges to be substituted for moveable bridges.

See 20 Vic. cap. 12, sec. 7.

141. In any case where a Railway commenced after the 27th May, 1857, is constructed or authorized to be constructed across any turnpike road, street or other public highway, on the level, the Board of Railway Commissioners, if it appears to them necessary for the public safety, may, with the sanction of the Governor in Council, authorize and require the Company to whom such Railway belongs, within such time as the said Board directs, to carry such road, street or highway, either over or under the said Railway, by means of a bridge or arch, instead of crossing the same on the level, or to execute such other works as under the circumstances of the case appear to the said Board the best adapted for removing or diminishing the danger arising from such level crossing; and all the provisions of law at any such time applicable to the taking of land by Railway Companies, and its valuation and conveyance to them, and to the compensation therefor, shall apply to the case of any land required for the construction of any works for effecting the alteration of such level crossing.

Certain powers vested in Railway Commissioners, with respect to crossing public highways, on a level

See 20 Vic. cap. 12, sec. 11.

142. Every Railway Company shall station an officer at every point on their line crossed on a level by any other Railway, and no train shall proceed over such crossing until signal has been made to the conductor thereof that the way is clear.

Further precautions at level crossings.

See 20 Vic. cap. 12, sec. 11.

143. Every locomotive or railway engine or train of cars, on any Railway, shall, before it crosses the track of any other Railway on a level, be stopped for at least the space of three minutes.

Further precautions when one railway crosses another on a level;

See 20 Vic. cap. 12, sec. 11.

144. No locomotive or railway engine shall pass in or through any thickly peopled portion of any city, town or village, at

Or runs through a city, town, &c. :

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See 20 Vic. cap. 12, sec. 11. at a speed greater than six miles per hour, unless the track is properly fenced.

Or moves
reversely.
See 20 Vic. cap. 12, sec. 11.

145. Whenever any train of cars is moving reversely in any city, town or village, the locomotive being in the rear, the Company shall station on the last car in the train a person who shall warn parties, standing on or crossing the track of such Railway, of the approach of such train, under a penalty of one hundred dollars for any contravention of the above provisions.

Foot passen-
gers to use
foot-bridge, if
provided for
that purpose,
at level cross-
ings.

See 20 Vic. cap. 12, sec. 11.

146. If the Board of Railway Commissioners order any Railway Company to erect at or near, or in lieu of any level crossing of a turnpike road, or other public highway, a foot-bridge or foot-bridges, over their Railway for the purpose of enabling persons passing on foot along such turnpike road or public highway to cross the Railway by means of such bridge or bridges, then, from and after the completion of such foot-bridge or foot-bridges so required to be erected, and while the Company keeps the same in good and sufficient repair, such level crossing shall not be used by foot passengers on the said turnpike road or public highway, except during the time when the same is used for the passage of carriages, carts, horses or cattle along the said road.

No cattle to
be allowed to
be at large on
any highway
within half a
mile of any
railway.

See 20 Vic. cap. 12, sec. 16.

147. No horses, sheep, swine, or other cattle, shall be permitted to be at large upon any highway within half-a-mile of the intersection of such highway with any Railway on grade unless such cattle are in charge of some person or persons to prevent their loitering or stopping on such highway at such intersection.

Such cattle
may be im-
pounded.

See 20 Vic. cap. 12, sec. 16.

148. All cattle found at large in contravention of the last preceding section may, by any person finding the same at large, be impounded in the nearest pound to the place where the same are so found, and the pound-keeper with whom the same are so impounded shall detain the same in the like manner, and subject to the like regulations as to the care and disposal thereof, as in the case of cattle impounded for trespass on private property.

If killed, own-
er not entitled
to any action.
See 20 Vic. cap. 12, sec. 18.

149. No person, any of whose cattle being at large, contrary to the provisions of the section aforesaid, are killed by any train at such point of intersection, shall have any action against any Railway Company in respect to the same being so killed.

Crossings to
be fenced.
See 20 Vic. cap. 20, sec. 16.

150. At every road and farm crossing on the grade of the Railways in this Province, the crossing shall be sufficiently fenced

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fenced on both sides of such points, so as to allow the safe passage of the trains.

24. BY-LAWS REGULATING TOLLS.

151. The by-laws of every Railroad Company regulating the tolls to be taken on such road, in the Special Act respecting which a provision has been inserted that such Railroad should be subject to the provisions of any general Act relating to Railroads, shall be subject to the approval of the Governor in Council; and no by-law of any Railroad or Railway Company in this Province by which any tolls are to be imposed or altered, or by which any party other than the members, officers, and servants of the Company are intended to be bound, shall have any force or effect until the same has been approved and sanctioned by the Governor in Council.

By-laws, imposing tolls to be approved by the Governor in Council.

See 4 Wm. I V. cap. 29, sec. 6; and 16 Vic. cap. 99, sec. 9.

See 14 & 15 Vic. c ap. 73, sec. 22.

25. PENAL CLAUSES.

152. If any person wilfully and maliciously displaces or moves any Railway switch or rail of any Railroad, or breaks down, rips up, injures or destroys any Railroad track or Railroad bridge, or fence of any Railroad, or any portion thereof, or places any obstruction whatsoever on any such rail or Railroad track, or bridge, with intent thereby to injure any person or property passing over or along such Railroad, or to endanger human life, such person shall be guilty of misdemeanor, and shall be punished by imprisonment with hard labour in the common gaol of the territorial division in which such offence is committed or tried, for any period not exceeding one year from conviction thereof; and if in consequence of such act done with the intent aforesaid, any person so passing over and along such Railroad actually suffers any bodily harm, or if any property passing over and along such Railroad be injured, such suffering or injury shall be an aggravation of the offence, and shall render the offence a felony, and shall subject the offender to punishment by imprisonment in the penitentiary for two years, or in any other prison or place of confinement for any period exceeding one year and less than two years.*

Punishment of persons doing anything to railway with intent to injure persons or property.

And if such damage be actually done. See 16 Vic. cap. 169, sec. 1.

153. If any person wilfully and maliciously displaces or moves any Railway switch or rail of any Railroad, or breaks down, rips up, injures or destroys any Railroad track or Railroad bridge, or fence of any Railroad or any portion thereof, or places any obstruction whatever on any such rail or Railroad track or bridge, or does or causes to be done any act whatever whereby an engine, machine or structure, or any matter or thing appertaining thereto is stopped, obstructed, impaired, weakened, injured or destroyed, with intent thereby to injure any person or property passing over or along such Railroad, and

And if any person be killed or his life be lost the offence to be manslaughter. See 16 Vic. cap. 169, sec. 2.

* Vide Con. Stat. Canada, Cap. 93, Sec. 30, herein.

and if in consequence thereof any person be killed or his life be lost, such person so offending shall be guilty of manslaughter, and being found guilty, shall be punished by imprisonment in the penitentiary for any period not more than ten nor less than four years.

Committing any injury stoppage, &c., to be a misdemeanor.

See 16 Vic. cap. 169, sec. 3.

154. If any person wilfully and maliciously does, or causes to be done, any act whatever whereby any building, fence, construction or work of any railroad, or any engine, machine or structure of any railroad, or any matter or thing appertaining to the same is stopped, obstructed, impaired, weakened, injured or destroyed, the person so offending shall be guilty of a misdemeanor, and be punished by imprisonment with hard labour, not exceeding one year, in the common gaol of the territorial division in which the offence was committed or has been tried.

Punishment of person obstructing inspectors in the execution of their duty.

See 20 Vic. cap. 12, sec. 3.

155. Every person wilfully obstructing any railway inspector in the execution of his duty shall, on conviction before a justice of the peace having jurisdiction in the place where the offence has been committed, forfeit and pay for every such offence any sum not exceeding forty dollars, and in default of payment of any penalty so adjudged, immediately or within such time as the said justice of the peace appoints, the same justice, or any other justice having jurisdiction in the place where the offender resides, may commit the offender to prison for any period not exceeding three months; but such commitment shall be determined on payment of the amount of the penalty; and every such penalty shall be returned to the next ensuing court of quarter sessions in the usual manner.

Company to notify orders of Board to its officers, &c.

See 20 Vic. cap. 12, sec. 15.

156. Every Railway Company shall, as soon as possible after the receipt of any order or notice of the Board of Railway Commissioners, give cognizance thereof to each of its officers and servants, in one or more of the ways mentioned in the one hundred and sixty-third section of this Act.

What to be deemed sufficient notice thereof.

See 20 Vic. cap. 12, sec. 15.

157. All orders of the said Railway Board of Commissioners shall be considered as made known to the said Railway Company by a notice thereof signed by the chairman and countersigned by the secretary of the said Board, and delivered to the president, vice-president, managing director, secretary or superintendent of the said Company, or at the office of the said Company.

Punishment of officers, &c., contravening by-laws, &c.

See 19 and 20 Vic. cap. 11, sec. 1.

158. If any officer or servant of, or person employed by, any Railway Company wilfully or negligently contravenes any by-law or regulation of the Company, lawfully made and in force, or any order or notice of the Board of Railway Commissioners, and of which a copy has been delivered to him, or has been posted

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posted up or open to his inspection in some place where his work or his duties, or any of them are to be performed, then if such contravention causes injury to any property, or to any person, or exposes any property or any person to the risk of injury or renders such risk greater than it would have been without such contravention, although no actual injury occurs, such contravention shall be a misdemeanor, and the person convicted thereof shall, in the discretion of the court before whom the conviction is had, and according as such court considers the offence proved to be more or less grave, or the injury or risk of injury to persons or property to be more or less great, be punished by fine or imprisonment, or both, so as no such fine exceeds four hundred dollars, nor any such imprisonment the term of five years; and such imprisonment, if for two years or upwards, shall be in the provincial penitentiary.

159. If such contravention does not cause injury to any property or person, nor expose any person or property to the risk of injury, nor make such risk greater than it would have been without such contravention, then the officer, servant, or other person guilty thereof shall thereby incur a penalty not exceeding the amount of thirty days' pay, nor less than fifteen days' pay of the offender from the Company, in the discretion of the justice of the peace before whom the conviction is had; and such penalty shall be recoverable with costs before any one justice of the peace having jurisdiction where the offence has been committed, or where the offender is found, on the oath of one credible witness other than the informer.

Penalty.
See 19 and 20
Vic. cap. 11,
sec. 1.

160. One moiety of such penalty shall belong to Her Majesty for the public uses of the Province, and the other moiety to the informer, unless he be an officer or servant of, or person in the employ of, the Company, in which case he shall be a competent witness, and the whole penalty shall belong to Her Majesty for the uses aforesaid.

Application
See 19 and 20
Vic. cap. 11,
sec. 1.

161. The Company may in all cases under this Act pay the amount of the penalty and costs, and recover the same from the offender or deduct it from his salary as pay.

The company
may pay
penalty, and
deduct from
wages.
See 19 and 20
Vic. cap. 11,
sec. 1.

162 Any Railway Company may, by a by-law, impose upon any officer, servant, or person who, before the contravention of such by-law has had notice thereof, and is employed by the Company, a forfeiture to the Company of not less than thirty days' pay of such officer or servant, for any contravention of such by-law, and may retain any such forfeiture out of the salary or wages of the offender.

Company may
impose penal-
ties for contra-
vention of
by-laws.
See 19 and 20
Vic. cap. 11,
sec. 2.

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How notice of by-laws or orders may be proved.

See 19 and 20 Vic. cap. 11, sec. 2.

163. The notice of the by-law or of any order or notice of the Board of Railway Commissioners may be proved by proving the delivery of a copy thereof to the officer, servant or person, or that he signed a copy thereof, or that a copy thereof was posted in some place where his work or his duties, or some of them, were to be performed.

When such proof, &c., to be a defence for the company.

See 19 & 20 Vic. cap. 11, sec. 2.

164. Such proof, with a proof of the contravention, shall be a full answer and defence for the Company in any suit for the recovery from it of the amount so retained, and such forfeiture shall be over and above any penalty under the preceding sections numbers one hundred and fifty-eight to one hundred and sixty-one.

26. WORKING OF THE RAILWAY.

Railway not to be opened till after one month's notice of intention to open the same.

See 20 Vic. cap. 12, sec. 4.

165. No Railway or portion of any Railway shall be opened for the public conveyance of passengers until one month after notice in writing of the intention to open the same has been given, by the Company to whom the Railway belongs, to the Board of Railway Commissioners, and until ten days after notice in writing has been given by the said Company to the said Board of Railway Commissioners, of the time when the said Railway or portion of Railway will be, in the opinion of the Company, sufficiently completed for the safe conveyance of passengers and ready for inspection.

Penalty for contravention.

See 20 Vic. cap. 12, sec. 5.

166. If any Railway or portion of a Railway be opened without such notices, the Company to whom such Railway belongs shall forfeit to Her Majesty the sum of two hundred dollars for every day during which the same continues open, until the said notices have been duly given and have expired.

Railway Commissioners, upon report of Inspectors and approval of Governor in Council, may order postponement of opening of road.

See 20 Vic. cap. 12, sec. 6.

167. If the railway inspector or inspectors, after inspection of any Railway, report in writing to the Board of Railway Commissioners that, in his or their opinion, the opening of the same would be attended with danger to the public using the same, by reason of the incompleteness of the works or permanent way, or the insufficiency of the establishment for working such Railway, together with the ground of such opinion, the Board of Railway Commissioners, with the sanction of the Governor in Council, and so from time to time, as often as such inspector or inspectors after further inspection thereof so reports, may order and direct the Company to whom the Railway belongs to postpone such opening not exceeding one month at any one time, until it appears to the said Board that such opening may take place without danger to the public.

Penalty for opening contrary to the order of the

168. If any such Railway, or any portion thereof, be opened contrary to such order or direction of the Board of Railway Commissioners,

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Commissioners, the Company to whom the Railway belongs shall forfeit to Her Majesty the sum of two hundred dollars for every day during which the same continues open contrary to such order or direction.

Commissioners.
See 20 Vic.
cap. 12, sec. 6.

169. No such order shall be binding upon any Railway Company, unless therewith is delivered to the Company a copy of the report of the inspector or inspectors on which the order is founded.

When only such order to be binding on the Company.

See 20 Vic.
cap. 12, sec. 6.

170. In all cases where a railroad passes any draw or swing bridge over a navigable river, canal or stream, which is subject to be opened for the purposes of navigation, the trains shall, in every case, be stopped at least three minutes, to ascertain from the bridge tender that the said bridge is closed and in perfect order for passing, and in default of so stopping during the full period of three minutes, the said Railroad Company shall be subject to a fine or penalty of four hundred dollars.

When a Railway passes over a swing bridge, &c., train to stop for 3 minutes.

See 18 & 19
Vic. cap. 176,
sec. 24; and
16 Vic. cap.
169, sec. 6.

171. Every Railway Company, which runs trains upon the Railway for the conveyance of passengers, shall provide and cause to be used in and upon such trains such known apparatus and arrangements as best afford good and sufficient means of immediate communication between the conductors and the engine drivers of such trains while the trains are in motion, and good and sufficient means of applying by the power of the steam engine or otherwise at the will of the engine driver, or other person appointed to such duty, the breaks to the truck wheels of the locomotive or tender, or both, or of all or any of the cars or carriages composing the trains, and of disconnecting the locomotive, tender and cars or carriages from each other by any such power or means, and also such apparatus and arrangements as best and most securely place and fix the seats or chairs in the cars or carriages, and shall alter such apparatus and arrangements or supply new apparatus and arrangements from time to time as the Board of Railway Commissioners, with the sanction of the Governor in Council, may order.

Company to use the best apparatus for communication between conductors and engine drivers, and for stopping or disconnecting cars, fixing seats in cars, &c.

See 20 Vic.
cap. 12, sec. 10.

172. Every Railway Company shall make such by-laws, rules and regulations, to be observed by the conductors, engine drivers and other officers and servants of the Company, and by all other Companies and persons using the Railway of such Company, and such regulations with regard to the construction of the carriages and other vehicles to be used in such trains on the Railway of the Company, as are requisite for ensuring the employment and proper use of the aforesaid means of communication, application and disconnection.

Companies to make by-laws for regulation of conductors and other officers, &c.

See 20 Vic.
cap. 12, sec. 10.

173. Every Railway Company which fails to comply with any of the provisions contained in the one hundred and seventy-first section.

Penalty for not complying with the 171st section.

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*See 20 Vic.
cap. 12, sec. 10.*

*Return of ac-
cidents to be
made semi-
annually.*

*See 20 Vic.
cap. 20, sec. 14.*

enty-first section of this Act, shall forfeit to Her Majesty a sum not exceeding two hundred dollars for every day during which such default continues.

174. Every Railway Company shall, within ten days after the first days of January and July in each and every year, make to the Board of Railway Commissioners, under the oath of the president, secretary or superintendent of the Company, a true and particular return of all accidents and casualties (whether to life or property) which have occurred on the Railway of the Company during the half-year next preceding each of the said periods respectively, setting forth :

1. The causes and nature of such accidents and casualties.
2. The points at which they occurred, and whether by night or by day ;
3. The full extent thereof, and all particulars of the same ; and
4. Shall also at the same time return a true copy of the existing by-laws of the Company, and of their rules and regulations for the management of the Company and of their Railway.

*Form to be ap-
pointed by the
Board of Com-
missioners.*

*See 20 Vic.
cap. 12, sec. 14.*

175. The Board of Railway Commissioners may order and direct from time to time the form in which such returns shall be made up, and may order and direct any Railway Company to make up and deliver to them from time to time, in addition to the said periodical returns, returns of serious accidents occurring in the course of the public traffic upon the Railway belonging to such Company, whether attended with personal injury or not, in such form and manner as the Board deem necessary and require for their information with a view to the public safety.

*Penalty for
neglect.*
*See 20 Vic.
cap. 12, sec. 14.*

176. If such returns so verified be not delivered within the respective times herein prescribed, or within fourteen days after the same have been so required by the Board, every Company making default shall forfeit to Her Majesty the sum of one hundred dollars for every day during which the Company neglects to deliver the same.

*Such returns
to be privileg-
ed communi-
cations.*

*See 20 Vic.
cap. 12, sec. 14.*

177. All such returns shall be privileged communications and shall not be evidence in any court whatsoever.

27. BOARD OF RAILWAY COMMISSIONERS, THEIR DUTIES, &C.

*Board of Com-
missioners con-
stituted.*

178. The Receiver General, the Minister of Finance, the Commissioner of Public Works, and the Provincial Postmaster General,

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General, shall constitute a Board of Railway Commissioners; and each of the said officers shall be a member of the said Board by virtue of his office, and so long, and so long only as he holds the same; such one of the said officers as the members of the Board shall agree upon, shall be the Chairman and official organ of the Board; the Secretary for the Department of Public Works shall be the Secretary of the said Board; and any report concurred in by the majority of the Board shall be deemed the report of the Board.

179. The Board of Railway Commissioners shall, in addition to their other powers and duties, have and discharge the powers and duties in this Act prescribed, and may from time to time appoint some fit and qualified person to be secretary of the said Board in the stead of the Secretary for the Department of Public Works.

*Duties of.
See 20 Vic.
cap 12, sec. 1:
and 22 Vic.
cap. 3. (1859.)*

28. RAILWAY INSPECTORS, THEIR DUTIES, &C.

180. The Governor in Council may appoint and authorize any proper person or persons, not exceeding three in number, whose duty it shall be from time to time to inspect all Railways constructed or in course of construction, and every person so authorized may at all reasonable times, upon producing his authority if required, enter upon and examine the said Railway and the stations, fences or gates, road crossings, cattle guards, works and buildings, and the engines, cars, and carriages belonging thereto.

*Railway In-
spectors.
Duties of.
See 20 Vic.
cap. 12, sec. 2.*

181. Every Railway Company and the officers and directors thereof shall afford to such inspector or inspectors every information and full and true explanations so far as may be in their power or knowledge on all matters inquired into by any such inspector or inspectors, and submit to such inspector or inspectors all plans, specifications, drawings, and documents relating to the construction or reconstruction, repair or state of repair of such Railway or any portion thereof, whether a bridge, culvert, or other part.

*Companies to
afford informa-
tion to the
Inspectors.
See 20 Vic.
cap. 12, sec. 2.*

182. Any such inspector shall have the right to use the telegraph wires and machinery in the offices of or under the control of any such Railway Company, for the purpose of communicating with any of the officers of the said Company, or transmitting any order of any such inspector relating to such Railway.

*Inspectors
may use tele-
graph wires:
for what pur-
poses.
See 20 Vic.
cap. 12, sec. 2.*

183. The operators or officers employed in the telegraph offices of or under the control of the said Company, shall, without unnecessary delay, obey all orders of any such inspector for effecting such communications and transmitting messages

*Operators and
others to obey
orders of In-
spectors.
See 20 Vic.
for cap. 12, sec. 2.*

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for the purpose aforesaid, and any such operator or officer refusing or neglecting so to do, shall forfeit for every such offence the sum of forty dollars.

Authority of Inspectors how proved.
See 20 Vic. cap. 12, sec. 2.

184. The authority of any such inspector shall be sufficiently evidenced by a paper in writing nominating him an Inspector of Railways or of any Railway in particular, signed by the chairman of the said Board of Railway Commissioners and countersigned by the secretary thereof.

When any railway bridge condemned by Commissioners and Inspectors, what to be done.
See 20 Vic. cap. 12, sec. 8.

185. When any bridge, culvert, viaduct, tunnel, fence, road crossing, or cattle guard, or any other portion of any Railway constructed or in course of construction, or any locomotive, car or carriage used or for use on any Railway, has been condemned on the report of an inspector or inspectors, by the Board of Railway Commissioners, with the approval of the Governor in Council, or when any change or alteration therein or in any part thereof, or the substitution of any new bridge, culvert, viaduct or tunnel, or of any material for the said Railway, has been required by the Board of Railway Commissioners, with the approval of the Governor in Council, the Company to which such Railway belongs, or the Company using, running or controlling the same, shall, after notice thereof in writing, signed by the chairman of the said Board, and countersigned by the secretary thereof, proceed to make good or remedy the defects in the said portions of the Railway, or in the locomotive, car, or carriage which have been so condemned, or shall make such change, alteration, or substitution hereinbefore referred to as has been required in manner aforesaid by the Board.

When Inspectors may forbid the running of trains, &c.
See 20 Vic. cap. 12, sec. 9.

186. If, in the opinion of any such Railway inspector, it is dangerous for trains or vehicles to pass over any particular Railway, or any portion of a Railway, until alterations, substitutions or repairs have been made thereon, or that any particular car, carriage, or locomotive should be run or used, the said inspector may forthwith forbid the running of any train or vehicle over any such Railway or portion of Railway, or the running or using of any such car, carriage, or locomotive, by delivering or causing to be delivered to the president, managing director, or secretary or superintendent of the Company owning, running, or using such Railway, or to any officer having the management or control of the running of trains on such Railway, a notice in writing to that effect, with his reasons therefor, in which he shall distinctly point out the defects or nature of the danger to be apprehended,

What Commissioners may modify report of Inspectors.
See 20 Vic. cap. 12, sec. 9.

187. The said inspector shall forthwith report the same to the said Board of Railway Commissioners, who, with the sanction of the Governor in Council, may either confirm, modify or disallow the act or order of the inspector, and such confirmation,

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tion, modification or disallowance shall be duly notified to the Railway Company affected thereby.

188. The said Board of Railway Commissioners may, with the sanction of the Governor in Council, limit the number or times or rate of speed of running of trains or vehicles, upon such Railway or portion of Railway, until such alterations or repairs as they may think sufficient have been made, or until such time as they think prudent; and the Company owning, running or using such Railway shall comply forthwith with any such order of the said Inspector or of the said Board, upon notice thereof as aforesaid; and for every act of non-compliance therewith, every such Railway Company shall forfeit to Her Majesty the sum of two thousand dollars.

When the Commissioners may regulate speed, &c.

Penalty for non-compliance.

See 20 Vic. cap. 12, sec. 9.

189. Every Railway Company shall, as soon as possible and at least within forty-eight hours after the occurrence upon the Railway belonging to such Company of any accident attended with serious personal injury to any person using the same, or whereby any bridge, culvert, viaduct, or tunnel on or of the said Railway has been broken or so damaged as to be impassable or unfit for immediate use, give notice thereof to the Board of Railway Commissioners; and if any Company wilfully omits to give such notice, such Company shall forfeit to Her Majesty the sum of two hundred dollars for every day during which the omission to give the same continues.

Notice of accidents to be given to the Commissioners.

See 20 Vic. cap. 12, sec. 13.

190. No inspection had under this Act nor any thing in this Act contained or done or ordered or omitted to be done or ordered under or by virtue of the provisions of this Act, shall relieve or be construed to relieve any Railway Company of, or from, any liability or responsibility resting upon it by law either towards Her Majesty or towards any person, or the wife or husband, parent or child, executor or administrator, tutor or curator, heir or other personal representative of any person for any thing done or omitted to be done by such Company, or for any wrongful act, neglect or default, misfeasance, malfeasance or nonfeasance, of such Company, or in any manner or way to lessen the liability or responsibility, or in any way to weaken or diminish the liability or responsibility of any such Company under the existing laws of the Province.

Inspection not to relieve Company from liability.

See 20 Vic. cap. 12, sec. 17.

29. RAILROAD FUND.

191. From the twenty-seventh of May, one thousand eight hundred and fifty-seven, every Railway then or thereafter constructed shall, so soon as any portion thereof is in use, pay to the Receiver General an annual rate to be fixed by the Governor in Council, not exceeding ten dollars per mile of Railway constructed and in use; such rate to be paid half-yearly

Railway Inspection Fund.

See 20 Vic. cap. 12, sec. 19.

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yearly on the first days of January and July in each year, and to form a special fund for the purpose of this Act, to be called "The Railway Inspection Fund."

30. CERTAIN SECTIONS LIMITED.

What the words "Railway Company," shall include.

See 20 Vic. cap. 12, sec. 21.

192. In the construction of the one hundred and fortieth to one hundred and fiftieth, the one hundred and fifty-fifth to one hundred and fifty-seventh, the one hundred and sixty-fifth to one hundred and seventy-seventh, and the one hundred and seventy-ninth to one hundred and ninety-first sections of this Act, the expression "Railway Company" shall include any person being the owner or lessee of or contractor working any Railway constructed or carried on under the powers of an Act of Parliament.

31. HOW PENALTIES RECOVERED AND APPLIED.

How penalties recovered and applied.

See 20 Vic. cap. 12, sec. 20. See Amendments of this Act, 23 Vic. cap. 29; and 24 Vic. cap. 17.

193. All penalties incurred under any of the sections of this Act in the last section referred to, except penalties under the one hundred and fifty-fifth section thereof, may be recovered in the name of Her Majesty, by Her Majesty's Attorney-General in any court having competent jurisdiction thereover; and all penalties recovered under the other sections aforesaid, shall be paid to the Receiver General to the credit of "The Railway Inspection Fund."

"THE RAILWAY ACT AMENDMENT ACT OF 1860."

23 VICTORIA, CHAP. 29.

An Act in Amendment of the Railway Act (22 Vict. chap. 66, 1859.)

(Assented to 19th May, 1860.)

Preamble.

HER Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Constables may be appointed to act on the line of

1. The justices of the peace for any county in Upper Canada, assembled at any General Quarter Sessions of the Peace, and any judge of the Court of Queen's Bench, or Superior Court, or

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or clerk of the peace, or clerk of the crown, or inspector and superintendent of police, in Lower Canada, on the application of the board of directors of any Railway Company whose Railway passes within the local jurisdiction of such justices of the peace, judge, clerk, or inspector and superintendent of police, as may be, on the application of any clerk or agent of such Company thereto authorized by such board, may in their or his discretion, appoint any persons recommended to them for that purpose by such board of directors, clerk or agent, to act as constables on and along such Railway; and every person so appointed shall take an oath or make a solemn declaration in the form or to the effect following, that is to say:

"I, A. B., have been appointed a constable to act upon and along (here name the Railway,) under the provisions of (here insert the title of this Act,) do swear that I will well and truly serve our Sovereign Lady the Queen, in the said office of constable, without favour or affection, malice or ill will, and that I will, to the best of my power, cause the peace to be kept, and prevent all offences against the peace, and that while I continue to hold the said office, I will, to the best of my skill and knowledge, discharge the duties thereof faithfully, according to law. So help me God."

Such oath or declaration shall be administered in Upper Canada by any one such justice, and in Lower Canada, by any such judge, clerk, or inspector and superintendent of police; And every constable so appointed, and having taken such oath or made such declaration as aforesaid, shall have full power to act as a constable for the preservation of the peace and for the security of persons and property against felonies and other unlawful acts, on such Railway, and on any of the works belonging thereto, and on and about any trains, roads and wharves, quays, landing places, warehouses, lands and premises belonging to such Company, whether the same be in the county, city, district or other local jurisdiction within which he was appointed, or in any other place through which such railroad passes or in which the same terminates, or through or to which any Railway passes, which may be worked or leased by such Railway Company, and in all places not more than one quarter of a mile distant from such Railway or Railways; and shall have all such powers, protections and privileges for the apprehending of offenders, as well by night as by day, and for doing all things for the prevention, discovery and prosecution of felonies and other offences, and for keeping the peace, which any constable duly appointed has within his constablewick; and it shall be lawful for any such constable to take such persons as may be punishable by summary conviction for any offence against the provisions of this Act, or of any of the Acts or by-laws affecting any such Railway, before any justice or justices appointed for any county, city, district

any Railway and how.

Oath of office.

By whom to be administered.

Powers of such Constables, and to what localities they shall extend.

Duties of such Constables.

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district or other local jurisdiction within which any such Railway may pass; and every such justice shall have authority to deal with all such cases, as though the offence had been committed and the person taken within the limits of his own local jurisdiction.

Dismissal of
any such Con-
stable.

2. Any two justices of the peace in Upper Canada, and any judge of the Court of Queen's Bench or Superior Court, or clerk of the peace, or clerk of the crown, or inspector and superintendent of police in Lower Canada, may dismiss any such constable who may be acting within their several jurisdictions; and the board of directors of such Railway Company, or any clerk or agent of such Company thereto authorized by such board, may dismiss any such constable who may be acting on such Railway; and upon every such dismissal, all powers, protections and privileges belonging to any such person by reason of such appointment, shall wholly cease; and no person so dismissed shall be again appointed or act as a constable for such Railway, without the consent of the authority by which he was dismissed.

Record of ap-
pointment of
each Constable
to be kept.

3. Every such Railway Company shall cause to be recorded in the office of the clerk of the peace, for every county, city, district or other local jurisdiction wherein such Railway or Railways may pass, the name and designation of every constable so appointed at their instance, the date of his appointment, and the authority making it, and also the fact of every dismissal of any such constable, the date thereof, and the authority making the same, within one week after the date of such appointment or dismissal, as may be; and every such clerk of the peace shall keep such record in a book to be open to public inspection, charging such fee or fees only as the Governor in Council may from time to time authorise, and in such form as the Governor in Council may from time to time direct.

Fees.

Punishment of
constables
guilty of neg-
lect of duty.

4. Every such constable who shall be guilty of any neglect or breach of duty in his office of constable, shall be liable, on summary conviction thereof within any county, city, district or other local jurisdiction wherein such Railway may pass, to a penalty of not more than eighty dollars, the amount of which penalty may be deducted from any salary due to such offender, if such constable be in receipt of a salary from the Railway Company, or to imprisonment, with or without hard labour, for not more than two months, in the gaol of such county, city, district or other local jurisdiction.

And of persons
resisting them.

5. Every person who shall assault or resist any constable appointed as aforesaid, in the execution of his duty, or who shall incite any person so to assault or resist, shall, for every such offence, be liable, on like summary conviction, to a penalty of

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of not more than eighty dollars, or to imprisonment, with or without hard labour, for not more than two months in such gaol as aforesaid.

6. Every person who shall bore, pierce, cut, open or otherwise injure any cask, box, or package containing wine, spirits, or other liquors, or any case, box, sack, wrapper, package or roll of goods, in, on or about any car, waggon, boat, vessel, warehouse, station-house, wharf, quay, or premises of or belonging to any such Railway Company with intent feloniously to steal, or otherwise unlawfully to obtain or to injure the contents or any part thereof, or who shall unlawfully drink, or wilfully spill or allow to run to waste any such liquors or any part thereof, shall, for every such offence, be liable, on like summary conviction, to a penalty of not more than twenty dollars, over and above the value of the goods or liquors so taken and destroyed, or to imprisonment, with or without hard labour, for not more than one month, in such gaol as aforesaid.

Punishment of persons boring or cutting casks or packages on Railways.

7. For any offence against the provisions of this Act, punishable by summary conviction, it shall be lawful to proceed against the offender, either in the manner provided by this Act, or according to the provisions of the Act, respecting the duties of Justices of the Peace out of Sessions, in relation to summary convictions and orders, forming the one hundred and third chapter of the Consolidated Statutes of Canada, in regard to any acts and offences in such Act mentioned; and it shall be lawful to use, pursue, and adopt any or all of the forms, directions, modes of procedure, remedies and proceedings (as well in regard to witnesses and parties as others), mentioned or provided in such Act in all complaints, prosecutions, convictions, levies and proceedings for offences against this Act.

Proceeding against any such offender. Con. Stat. Canada, cap. 103.

8. In all cases of complaint by summary proceeding before a Justice of the Peace in Upper Canada, against any person for a violation of any of the provisions of this Act, all decisions, convictions and orders made by such Justice shall be subject to appeal in the manner and under the provisions prescribed in the Act "Respecting appeals in cases of summary convictions," forming the one hundredth and fourteenth chapter of the Consolidated Statutes for Upper Canada.

Appeal in such cases.

Con. Stat. Canada, cap. 114.

9. Whenever any level crossing on any Railway shall be out of repair, the warden, mayor, reeve, or other chief officer of the municipality having jurisdiction over the Railway so crossed, may serve a notice upon the Company in the usual manner, requiring the repair to be forthwith made; and if the Company shall not forthwith make the same, such officer may transmit a copy of the notice so served to the Inspector of Railways;

Railway may be required to repair any level crossing out of repair.

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Railways; and thereupon it shall be the duty of said Inspector, with all possible dispatch, to appoint a day when he will examine into the matter; and he shall by mail give notice to such warden, mayor or reeve, and to the Company of the day he shall so fix; and upon the day so named he shall examine such crossing; and any certificate under his hand shall be final on the subject so in dispute between the parties; and if the said Inspector shall determine that any repairs are required, he shall specify the nature thereof in his said certificate, and direct the Company to make the same; and the Company shall thereupon, with all possible dispatch, comply with the requirements of such certificate; and in case of default, the municipality within whose jurisdiction the said crossing is situate may make such repairs, and may recover all costs, expenses, and outlays in the premises by action against the Company in any court of competent jurisdiction, as money paid to the Company's use: Provided always, that neither this section nor any proceeding had thereunder shall at all affect any liability otherwise attaching to such Company in the premises.

Inspector's certificate to be conclusive.

Proviso.

Provision when the county judge is interested in lands required for any railway.

10. Whenever any judge of a county court in Upper Canada is interested in lands taken or required within the county in which he is such judge, by any Railway Company, for Railway purposes, any judge, of any of the superior courts at Toronto, shall, on application of such Company, exercise in such case all the powers given to such judge of a county court by the eleventh section of the Railway Act, in cases in which he, such judge of a county court, is not interested.

Extent of Act.

11. The provisions of this Act shall apply to every Railway made or to be made in this Province.

Short title.

12. This Act shall be cited as "The Railway Act Amendment Act of 1860."

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24 VICTORIA, CHAP. XVII.

An Act to explain and amend the Railway Act (22 Vic. chap. 66, 1859.)

(Assented to 18th May, 1861.)

WHEREAS doubts are entertained as to whether rectors in possession of glebe lands in Upper Canada, ecclesiastical and other corporations, trustees of land for church and school purposes or either, executors appointed by wills in which they are not invested with any power over the real estate of the testator, administrators of persons dying intestate, but at their death seized of real estate, are authorized by the eleventh section of the Railway Act to sell or dispose of any such lands to any Railway Company for the actual use of and occupation by such Company: And whereas it is desirable to remove such doubts, and to amend the said Railway Act in the particulars hereinafter set forth: Therefore Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

See 22 Vic. cap. 66, sec. 11.

1. The true intent and meaning of the said section of the said Act was and is, that the several persons and parties hereinbefore mentioned, with respect to the lands above in this Act referred to, should and shall exercise all the powers mentioned in the first sub-section of the said section eleven of the said Railway Act, with respect to any such lands actually required for the use and occupation of any Railway Company; and any conveyance made under the said first sub-section shall rest in the Railway Company receiving the same, the fee simple in the lands in such deed described, freed and discharged from all trusts, restrictions and limitations whatsoever.

Certain conveyances to railway companies under sec. 11 of 22 Vic. cap. 66, declared valid.

2. All the provisions in the said section and in the said Act contained as to arbitrations, and obtaining possession and title to such lands, and the disposition of the purchase money, shall apply to all the parties and lands in this Act and in the said sub-section mentioned; and no Railway Company shall be responsible for the disposition of any purchase-money for lands taken by them for their purposes, if paid to the owner of the land or into court for his benefit.

Sec. 11 of 22 Vic. cap. 66, to apply.

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Provisions when county judge is interested.

3. Whenever any county judge shall be or is interested in lands taken or required within the county in which he is such judge, by any Railway Company, for railway purposes, any judge of any of the superior courts in Upper or Lower Canada shall, on application of such Company, exercise in such case all the powers of the county court judge given to him by the said eleventh section of the said Act, in cases in which he, the county judge, is not interested.

General Railway Act, 22 Vic. cap. 66, sec. 131, amended.

Railway companies must afford each other every facility for the forwarding of traffic, without preference or favour.

Agreements made in contravention of this Act to be void.

Penalty on companies or their officers refusing or neglecting to forward traffic as above required.

4. The one hundred and thirty-first section of the Railway Act is hereby amended by adding thereto the following proviso:—

Provided always, that every Railway Company shall, according to their respective powers, afford all reasonable facilities to any other Railway Company for the receiving and forwarding and delivering of traffic upon and from the several Railways belonging to or worked by such Companies respectively, and for the return of carriages, trucks and other vehicles; and no such Company shall give or continue any preference or advantage to or in favour of any particular Company or any particular description of traffic, in any respect whatsoever, nor shall any such Company subject any particular Company or any particular description of traffic to any prejudice or disadvantage in any respect whatsoever. And every Railway Company having or working a Railway which forms part of a continuous line of Railway, or which intersects any other Railway, or which has any terminus, station or wharf of the one near any terminus, station or wharf of the other, shall afford all due and reasonable facilities for receiving and forwarding, by the one of such Railways, all the traffic arriving by the other, without any unreasonable delay, and without any such preference or advantage or prejudice or disadvantage as aforesaid, and so that no obstruction may be offered in the using of such Railway as a continuous line of communication, and so that all reasonable accommodation may, at all times, by the means aforesaid, be mutually afforded by and to the said several Railway Companies; and any agreement between any two or more Railway Companies contrary to the foregoing provisions, made after the passing of this Act, shall be unlawful, null and void.

5. If any officer, servant, or agent of any Railway Company, having the superintendence of the traffic at any station or depot thereof, refuses or neglects to receive, convey or deliver at any station or depot of the Company for which they may be destined, any passenger, goods or things, brought, conveyed or delivered to him or to such Company, for conveyance over or along their Railway from that of any other Company, intersecting with or coming near to such first-mentioned Railway, or in any way wilfully contravenes the provisions of the next preceding

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ceding section, such first-mentioned Railway Company, or such officer, servant, or agent, personally, shall, for each such neglect or refusal, incur a penalty not exceeding fifty dollars over and above the actual damages sustained; which penalty may be recovered with costs, in a summary way, before any justice of the peace, by the Railway Company or any other party aggrieved by such neglect or refusal, and to and for the use and benefit of such Company, or other party so aggrieved.

How recover-
able, and how
to be applied.

6. For the purposes of the two next preceding sections, the word "traffic" includes not only passengers and their baggage, goods, animals and things conveyed by Railway, but also cars, trucks and vehicles of any description adapted for running over any Railway;—the word "Railway" includes all stations and depots of the Railway;—the expression "Railway Company" includes all parties owning, leasing or working any Railway;—and a Railway shall be deemed to come near another when some part of the one is within one mile of some part of the other.

Interpretation
of words
"traffic,"

"railway,"
"railway com-
pany," &c.

7. This Act shall form part of the Railway Act, and shall be construed as applying to any Railway Company incorporated or to be hereafter incorporated, to which the provisions of the said Railway Act apply, and shall have effect accordingly.

This Act to
form part of
the general
Railway Act,
22 Vic., cap.
66.

8. The interest of the purchase-money or rent of any real property acquired or leased by any Railway Company, and necessary to the efficient working of such Railway, and the price or purchase-money of any real property or thing without which the railway could not be efficiently worked, shall be considered to be part of the expenses of working such railway, and shall be paid as such out of the earnings of the Railway.

Interest of
purchase
money or rent
of property
necessary for
working a rail-
way to be
deemed part of
its working
expenses.

34 VICTORIA, CHAP. II.

An Act in aid of Railways.

[Assented to 15th February, 1871.]

WHEREAS it is expedient to give aid towards the construction of railways leading to or through sections of the country remote from existing thoroughfares, or passing through
Preamble.
thinly

thinly settled tracts, or leading to the Free Grant Territory, or to the inland waters; Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

“Railway Fund” formed from Consolidated Revenue Fund.

1. For the purposes aforesaid the sum of one million five hundred thousand dollars shall be set apart from and out of the Consolidated Revenue Fund of this Province, and form a fund to be designated and known as the “Railway Fund.”

Lieutenant-Governor in Council may grant aid to certain railways.

2. From and out of the said Railway Fund the Lieutenant-Governor in Council may, by order in Council, authorize payments to be made from time to time to any incorporated railway company of a sum or sums of not less than two thousand dollars per mile nor more than four thousand dollars per mile of any portion or portions of such railway, and that any of such payments may be made after the Commissioner of Agriculture and Public Works shall have reported, for the information of the Lieutenant-Governor in Council, that such company has completed such portion of its road in respect of which payment is to be made, including sidings and stations, within the period for completion of the road named in the Act or Acts relating thereto; Provided, that no payment shall be made under any such authority till the said Commissioner shall have reported as aforesaid.

Proviso.

Proof to be furnished by railway asking aid.

3. No such authority shall be given in respect of any portion of a railway for the construction of which portion a contract has been entered into prior to the seventh day of December, in the year of our Lord one thousand eight hundred and seventy, nor until the company desirous of obtaining aid and payment out of the said Railway Fund, shall have furnished proof, to the satisfaction of the Lieutenant-Governor in Council, that the *bona fide* subscribed capital of the company, together with any bonuses or loans by municipal corporations thereto, and the proceeds of bonds to be issued or authorized by the Act incorporating the company or any Act amending the same, leaves no reasonable doubt that such road, or portion or portions thereof in respect of which payment is to be made, shall be commenced and completed, including sidings and station houses, so as to be ready for the rolling stock within the period mentioned in such Act or Acts for completion of the railway; and that any such Act or Acts authorizes the construction of a railway as referred to in the preamble of this Act.

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CAP. XXIV.

An Act to make further Provision in Aid of Railways.

[Assented to 2nd March, 1872.]

WHEREAS the Legislature having established a scheme Preamble.
for aiding in the construction of railways, it is right
that the public funds, appropriated for that purpose, should be
adequate to the granting of aid to all proper enterprises, so far
as that can be accomplished consistently with the retention of
such a proportion of the public funds as may be requisite to do
justice to all sections of the country and to an extent not
greater than is provided by this Act, and whereas it is there-
fore expedient to make further provision in aid of Railways:

Therefore Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario enacts
as follows:—

1. The sum of Four Hundred Thousand Dollars shall be set Railway fund augmented.
apart from and out of the Consolidated Revenue Fund of this
Province, and shall be added to and form part of the fund de-
signated and known as the Railway Fund, established under
the Act in Aid of Railways.

2. The sum of One Hundred Thousand dollars yearly, for Railway sub-
sidy fund established.
twenty years, shall be set apart from and out of the Consoli-
dated Revenue Fund of this Province, and shall form a Fund
to be designated and known as the Railway Subsidy Fund.

3. The provisions of the Act in Aid of Railways, and of any Act in aid of
railways to
apply.
Act amending the same, shall, save in so far as they may be
inconsistent with the provisions of this Act, apply to the
authorization and payment of any grant out of the Railway
Subsidy Fund.

4. The sum to be granted to any Railway Company out of Grants out of
fund.
the Railway Subsidy Fund shall not be less than one hundred
and twenty dollars, or more than two hundred and forty dol-
lars per mile per annum for twenty years on the portion aided.

5. Scrip or certificates may be issued in respect of any Scrip.
grant out of the Railway Subsidy Fund after payment thereof
has been duly authorized, and the Commissioner of Agriculture
and

and Public Works has duly reported as provided by the Act in Aid of Railways.

6. No railway company of whose line any portion is aided from the Railway Fund, shall be entitled to aid from the Railway Subsidy Fund in respect of such portion.

Railways not to get aid from both funds.

7. No railway company which does not come within the terms and provisions, and comply with the conditions of the Act in Aid of Railways, and any Act amending the same, shall be entitled to aid from the Railway Subsidy Fund.

Railway companies to comply with conditions.

8. No portion of the Railway Subsidy Fund, provided by this Act, shall be applied in aid of Railways until such time as Orders in Council shall have been passed exhausting the whole of the Railway Fund appropriated by this Act, and the Act passed in the thirty-fourth year of the reign of Her Majesty Queen Victoria, and chaptered two.

When Railway subsidy fund shall not be applied to aid.

CAP. XXV.

An Act to enable certain Railway Companies to provide the necessary accommodations for traffic over their Railways and to amend the Railway Act of the late Province of Canada.

[Assented to 2nd March, 1872].

Preamble.

WHEREAS it may happen that a railway company may require at certain stations or places, more ample space for the proper accommodation of their traffic and of the public, than they now possess, or than they can take and acquire under the Act or Acts incorporating or applying to such company; and it is necessary in the public interest that the most ample accommodation should be furnished for such traffic: And whereas it is also expedient to make certain amendments to The Railway Act of the late Province of Canada:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Proceeding when more space is required for the accommodation of the traffic at any

1. Whenever any railway company subject to the Legislative authority of the Legislative Assembly of the Province of Ontario, requires at any station or place on the line of such railway, more ample space for the convenient accommodation of the public and of the traffic on the railway than they then possess,

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possess, or can take without the consent of the proprietors thereof, the company may cause a plan to be made of the additional ground required at such station or place for the purposes aforesaid, not being in actual use for similar purposes by any other railway company, (and for the purpose of making such plan shall have the powers granted to railway companies for making surveys by the ninth section of The Railway Act), and may transmit such plan to the Commissioner of Agriculture and Public Works, with an application (supported by affidavit) on behalf of the company, referring to such plan, and stating that certain ground shown thereon is necessary for the purposes aforesaid, and that no other ground suitable for the purpose can be acquired at such place on reasonable terms and with less injury to private rights, and requesting the Commissioner to authorize the taking thereof for such purposes under this Act; of which application ten days' notice shall be given to the owner or possessor of such property, and the correctness of the plan and the truth of the allegations in such application shall be certified by the president or one of the directors of the company, and by their engineer; and such plan and statement shall be made and transmitted to the Commissioner in duplicate.

2. The Commissioner of Agriculture and Public Works shall inquire into the correctness of the plan and the truth of the allegations of the application aforesaid, and being satisfied thereof, shall grant a certificate to that effect, and declaring it to be necessary in the public interest, that the ground shewn on such plan, or any less quantity, should be acquired by the company; and such certificate shall be annexed to one of the duplicates of the said plan and statement, and the other duplicate shall remain in the office of the Commissioner.

Certificate of
Commissioner
of Agriculture
and Public
Works re-
quired.

3. Upon the granting of such certificate as aforesaid by the Commissioner of Public Works, and by virtue thereof, the company shall have power to take the ground shewn on the said plan as required for the purposes aforesaid, without the consent of the proprietors; and the company and all corporations or parties who could not otherwise convey the same to the company, shall have, with respect to any such ground all the powers granted by the eleventh section of The Railway Act of the late Province of Canada, headed "lands and their valuation," to railway companies, corporations, and parties who could not otherwise convey the same, with respect to lands which may be taken without the consent of the proprietors thereof; and the enactments and provisions of the said section, except such as refer to the map or plan or book of reference therein mentioned, or as limit the extent of land to be taken, shall apply and are hereby extended to the ground mentioned in the said certificate of the Commissioner of Agriculture and Public Works, and to all the proceedings connected with or consequent upon the

Effect of such
certificate, and
application of
certain provisions
of The
Railway Act
to the land
certified as
necessary.

Sale of land taken and not afterwards required.

the acquiring or taking of such ground or any part thereof, with or without the consent of the proprietors; and if at any time thereafter the company shall not require the whole or any portion of the land acquired under this Act for railway purposes, then such land as is not so required shall be sold by auction after thirty days' notice thereof in any local newspaper.

Proof of certificate.

4. Any such certificate as aforesaid, purporting to be signed by the said Commissioner, shall be received as authentic in all courts of law or equity, without proof of such signature or other evidence, unless its authenticity be called in question on behalf of the Crown.

Arbitrators to consider increased value of remaining lands.

5. The arbitrators mentioned in the eleventh section of The Railway Act of the late Province of Canada, headed "lands and their valuation," in deciding on such value or compensation, are authorized and required to take into consideration the increased value that would be given to any lands or grounds through or over which the railway will pass by reason of the passage of the railway through or over the same, or by reason of the construction of the railway, and to set off the increased value that will attach to the said lands or grounds, against the inconvenience, loss or damage that might be suffered or sustained by reason of the company taking possession of or using the said lands or grounds as aforesaid.

To what railways this Act applies.

6. The provisions of this Act shall apply to every railway company heretofore, or which may be hereafter incorporated, under the authority of the Legislative Assembly of the Province of Ontario.

5 Vic.

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20 VICTORIA CAP. CLI.

An Act to incorporate the Fort Erie Railway Company.

[Assessed to 10th June, 1857.]

WHEREAS certain persons have petitioned that an Act Preamble. may be passed authorizing the construction of a Railway from the Village of Fort Erie, in the Township of Bertie, in the County of Welland, to the Suspension Bridge below the Falls and to Port Robinson, branching off at any point which may be most convenient to connect with the "Erie and Ontario Railway," and with the "Port Dalhousie and Thorold Railway," in the same county; and whereas a Railway so constructed would tend to the improvement of the section of country through which it would pass; Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada enacts as follows:

1. Duncan Macfarland, James Cummings, Alexander Douglas, William A. Thomson, Nelson Forsyth, George Hardison, James Stanton, William Wallace, Leonard M. Mathews, Daniel Lambert, John W. Lewis, Richard Graham, John Frazer, M.P.P., Arthur Johnson and William Russell, Esquires, together with such other person or persons, corporations or municipalities, as shall, under the provisions of this Act, become shareholders in the Company hereby incorporated, shall be and are hereby ordained, constituted and declared to be a body corporate and politic, by and under the name of the Fort Erie Railway Company. Certain persons incorporated. Corporate name.

2. The several clauses of the Railway Clauses Consolidation Act, with respect to the first, second, third and fourth clauses thereof, and also the several clauses of the said last mentioned Act, with respect to "Interpretation," "Incorporation," "Powers," "Plans and Surveys," "Lands and their Valuation," "Highways and Bridges," "Fences," "Tolls," "General Meetings," "Directors, their Election and Duties," "Shares and their Transfer," "Municipalities," "Shareholders," "Actions for Indemnity and Fines and Penalties and their prosecution," "Working of the Railway," and "General Provisions," shall be incorporated with this Act, and shall accordingly apply to the said Company and the said Railway, except only in so far as they may be inconsistent with the express enactments hereof; Certain clauses of 14 & 15 Vict. ch. 51 incorporated with this Act.

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and

and the expression "this Act," when used herein, shall be understood to include the provisions of the Railway Clauses Consolidation Act, which are incorporated with this Act as aforesaid.

Line of Railway described.

3. The said Company and their servants and agents shall have power by virtue of this Act to lay out, construct and complete a Railway between Fort Erie in the County of Welland, and the Village of Chippewa, in the same county, with a branch from some point on the said road near the great bend of the Niagara River, in the Township of Willoughby, to Port Robinson in the said county, with full power to pass over any portion of the intermediate country and to make such connections with the Erie and Ontario Railway and the Port Dalhousie and Thorold Railway, as provided for by the ninth section of the Railway Clauses Consolidation Act; Provided always, that the said Company shall be and are hereby authorized to lease, purchase or otherwise acquire from the Erie and Ontario Railroad Company, such portion of the track and property of the Company last mentioned, as lies between their depot in the Town of Clifton, and the terminus of their Railroad in the Village of Chippewa.

Proviso.

Form of deeds conveying lands.

4. Deeds or Conveyances under this Act, for the lands to be conveyed to the said Company for the purposes of this Act, shall and may as far as the title to the said lands, or the circumstances of the parties who shall make such conveyances will admit, be made in the form given in the Schedule to this Act marked A. and all Registrars are hereby required to register in their registry books such deeds, on the production thereof and proof of execution, without any memorial, and to minute every such entry on the deed; the said Company are to pay the Registrar for so doing the sum of two shillings and six pence currency, and no more.

Provisional Directors.

5. From and after the passing of this Act, the said Duncan Macfarland, James Cummings, Alexander Douglas, William A. Thomson, Nelson Forsyth, George Hardison, James Stanton, William Wallace, Leonard M. Mathews, Daniel Lamberton, John W. Lewis, Richard Graham, John Frazer, M. P. P. Arthur Johnson, William Russell, Esquires, and the Honorable W. H. Merritt, M. P. P., shall be Provisional Directors of the said Company for carrying into effect the object and purposes of this Act.

Vacancies among them how to be filled.

6. It shall and may be lawful for the Provisional Directors, for the time being, of the said Company, or a majority of them to supply the place or places of any of their number from time to time dying or declining to act as such Provisional Director or Directors, out of the several subscribers for stock in their said Railway, to the amount of at least two hundred pounds currency

currency each, during the period of their continuance in office, and such provisional Directors, except as hereinafter is excepted, shall be and they are hereby invested with all the powers, rights, privileges and indemnities, and they shall be and are hereby made subject unto the like restrictions as the Elected Directors of the said Company upon their being elected by the stockholders of the said Company, as hereinafter provided, would, under the provisions of the Railway Clauses Consolidation Act, and of this Act, become invested with or subject unto respectively.

7. When and so soon as shares to an amount equivalent to fifty thousand pounds, provincial currency, in the capital stock of the said Company shall be taken, and ten pounds per centum thereon shall have been paid into some of the chartered Banks of this Province, it shall and may be lawful for the Provisional Directors of the said Company for the time being, to call a meeting of the subscribers for stock in the said Company (who have paid ten per centum thereon as aforesaid,) at the Village of Fort Erie, or such other place along the line of the proposed Railway as may be deemed most convenient by the said Provisional Directors, for the purpose of electing Directors of the said Company; Provided always, that if the said Provisional Directors shall neglect or omit to call such meeting, then the same may be called by any five of the holders of shares in the said Company holding not less than two hundred and fifty pounds each, provincial currency: And Provided always, that in either case public notice of the time and place of holding such meeting shall be given during one month in some one newspaper published in the said County of Welland; and at such general meeting the shareholders assembled, with such proxies as shall be present, shall choose nine persons to be Directors of the said Company being each a proprietor of shares in the said Company to an amount of not less than two hundred and fifty pounds provincial currency; and shall also proceed to pass such rules, regulations and By-laws as shall seem to them fit, provided they be not inconsistent with this Act: Provided also, that such ten per cent. shall not be withdrawn from such Bank or otherwise applied except for the purposes of such Railway, or upon the dissolution of the Company from any cause whatsoever.

First general meeting of shareholders.

Proviso.

Proviso.

Notice how to be given.

Election of Directors.

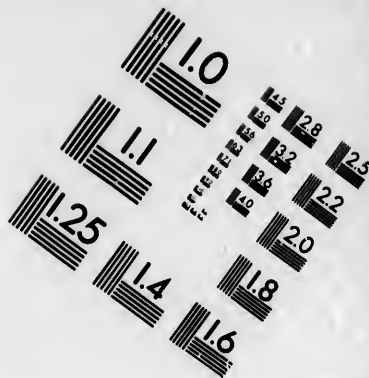
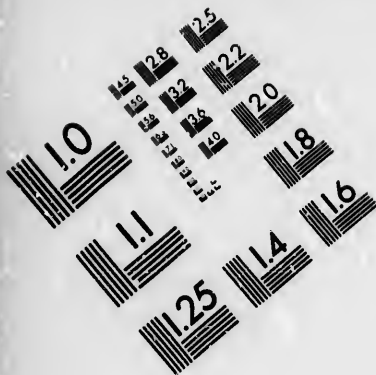
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Proviso.

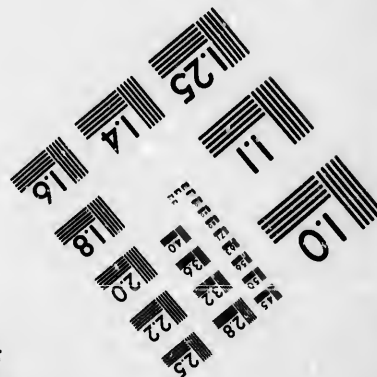
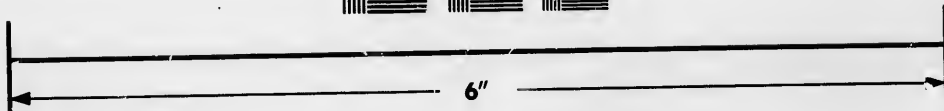
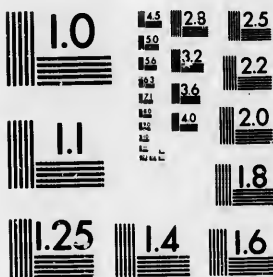
8. The Directors so elected, or those appointed in their stead in case of vacancy, shall remain in office until the first Wednesday in June, one thousand eight hundred and fifty-nine, and on the said first Wednesday in June aforesaid, and on the first Wednesday in June in each year thereafter, or on such other day as may be appointed by any By-Law of the Company, an annual general meeting of the shareholders shall be held at the office of the Company for the time being, to choose nine Directors

Annual Election of Directors, and period of service of Directors.





**IMAGE EVALUATION
TEST TARGET (MT-3)**



**Photographic
Sciences
Corporation**

23 WEST MAIN STREET
WEBSTER, N.Y. 14580
(716) 872-4503

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Special general meetings how called, &c.

tors in the room of those whose period of office shall have expired, and, generally, to transact the business of the Company; but if at any time it should appear to any ten or more of such shareholders, holding together the amount of five thousand pounds, provincial currency, of shares at the least, that a special general meeting of the shareholders is necessary to be held, it shall and may be lawful for such ten or more of them to cause fifteen days' notice at least to be given thereof in such newspaper as is hereinbefore provided, or in such manner as the Company shall by any By-law direct or appoint, specifying in such notice the time and place and the reason and intention of such special meeting respectively: and the shareholders are hereby authorized to meet pursuant to such notice, and proceed to the execution of the powers of this Act given to them, with respect to the matter so specified only, and all such acts of the shareholders, or the majority of them, at such special meeting assembled, such majority not having, either as principals or proxies, less than one hundred shares, shall be as valid to all intents and purposes as if the same were done at an annual meeting.

Capital Stock, £125,000, and how to be raised.

in shares of £25 each.

Proviso: Capital may be increased and how.

Directors empowered to issue scrip.

One vote for each share.

9. For the purpose of making, constructing and maintaining the Railway and other works necessary for the proper use and enjoyment of the Railway by this Act authorized to be constructed, it shall and may be lawful for the Directors of the said Company for the time being, to raise in such manner by loan, subscription of stock, issuing of shares or otherwise as to the Directors of the said Company for the time being shall from time to time seem fit, the sum of one hundred and twenty five thousand pounds provincial currency, such shares to be issued in sums of twenty-five pounds provincial currency each: Provided always that the said capital sum may if necessary be increased from time to time in the manner provided by those clauses of the Railway Clauses Consolidation Act, which in and by the second section of this Act are expressed to be incorporated with this Act.

10. It shall and may be lawful for the Directors for the time being of the said Company to make, execute and deliver all such scrip and share certificates, and all such bonds, debentures, mortgages or other securities as to the said Directors for the time being shall from time to time seem most expedient for raising the necessary capital for the time being authorized to be raised by the said Company or for raising any part thereof.

11. Every holder of shares in the said Company shall be entitled on every occasion when the votes of the said Fort Erie Railway Company are to be given, to one vote for every share of twenty-five pounds currency which he holds.

12. All bonds, debentures and other securities to be executed by the said Railway Company may be payable to bearer (and in England to bearer in sterling money), and all such bonds, debentures and other securities of the said Company, and all dividends, interest, and warrants thereof respectively, which shall purport to be payable to bearer, shall be assignable at law by delivery, and may be sued on and enforced by the respective bearers and owners thereof for the time being, in their own names.

Debentures &c. may be payable to bearer.

13. Calls may be made by the Directors of the said Company for the time being, provided that no call to be made upon the subscribers for stock in the said Railway Company shall exceed the sum of ten pounds per centum upon the amount subscribed for by the shareholders in the said Company: Provided also, that upon the occasion of any person or corporation becoming a subscriber for stock in the said Company, it shall and may be lawful for the Provisional or other Directors of the said Company for the time being, to demand and receive to and for the use of the said Company, the sum of ten pounds per centum upon the amount so by such person or corporation respectively subscribed, and the amount of such calls as shall have already been made payable in respect of the stock then already subscribed at the time of such person or corporation respectively subscribing for stock.

Calls how made, and amount at one time.

Proviso.

14. And whereas it may be necessary for the said Company to possess gravel pits and lands containing deposits of gravel as well as lands for stations and other purposes, at convenient places along their line of Railway, for constructing and keeping in repair, and for carrying on the business of the said Railway, and as such gravel pits or deposits cannot at all times be procured without buying the whole lot of land wherever such deposits may be found: It is therefore enacted, that it shall be lawful for the said Company, and they are hereby authorized from time to time to purchase, have, hold, take, receive, use and enjoy along the line of the said Railway or separated therefrom, and if separated therefrom, then with the necessary right of way thereto, any lands, tenements and hereditaments which it shall please Her Majesty or any person or persons or bodies politic to give, grant, sell or convey unto and to the use of or in trust for the said Company, their successors and assigns, and it shall and may be lawful for the said Company to establish stations or workshops on any such lots or blocks of land, and from time to time by deed of bargain and sale or otherwise to grant, bargain, sell or convey any portion of such lands not necessary to be retained for gravel pits, sidings, branches, wood yards, station ground or workshops, or for effectually repairing, maintaining and using to the greatest advantage the said Railway and other works connected therewith.

Company may purchase lots for gravel pits, station, &c.

Commencement and completion of Railway.

15. The said Railway shall be commenced within three years and completed within seven years after the passing of this Act.

Company to have power to hold river frontage &c.

16. The said Company hereby incorporated, and their servants and agents, shall have full power under and by virtue of this Act to purchase and hold such river frontage as may be required for their Railway on the Niagara River, and to build wharves or docks thereon, also to construct, build or purchase and hold such steam or other ferry boats as they may require to enable them to convey passengers and freight across the said Niagara river to such point or points on the American shore or the said river Niagara as may be requisite for the purposes of the said Railway, and as may be necessary to enable them to connect with the various Railways running through the State of New York, and they shall have power to dispose of the same if so inclined, or to charter any other steam or other vessel not being their own property to perform this service.

Company to have power to unite with certain other Railway Companies.

17. The said Company are hereby empowered to unite with any other Railway Company whose Railway intersects that of the said Company or touches a place which their Railway also touches, and to such union the provisions of the Acts passed in the sixteenth year of Her Majesty's reign, and chaptered respectively thirty-nine and seventy-six, shall extend and apply.

Quorum of Directors,

Proviso.

18. The number of Directors which shall form a quorum for the transaction of business may be regulated by the By-laws of the Company ; and until such By-law shall be passed, a majority of the Directors shall form such quorum : Provided that the Directors may employ one of their number as a paid Director.

Directors may open an agency in London, in England, for the transfer of shares, &c.

19. The Board of Directors of the said Company may appoint an agent or agents in the City of London, in England, with power to open and keep books of transfer for the shares of the said Company, and for the issue of scrip and stock certificates ; and upon the establishment of such agency, shares may be transferred from the Canada office to the London office in the names of the transferees, in the same manner as shares may be transferred in the former office, and vice versa : and shares hereinafter taken and subscribed for in Great Britain may be entered upon the books of the London office, and scrip certificates be issued for them, and the same shall be as binding on the Company as to all the rights of shareholders as though the scrip certificates had been issued by the Secretary of the Company in Canada.

Public Act.

20. The Interpretation Act shall apply to this Act, and this Act shall be deemed a Public Act.

SCHEDULE

SCHEDULE A.

Know all men by these presents that I (*insert the name of the wife also, if she is to release her dower or for any other reason to join in the conveyance*) do hereby in consideration of

paid to me (*or as the case may be*) by the Fort Erie Railway Company, the receipt whereof is hereby acknowledged, grant, bargain, sell, convey and confirm unto the said Fort Erie Railway Company, their successors and assigns for ever, all that certain part or parcel of land situate, lying and being (*describe the land*) the same having been selected and laid out by the said Company for the purposes of their Railway; to have and to hold the said land and premises together with everything appertaining thereto, to the said Fort Erie Railway Company, their successors and assigns for ever (*if there be dower to be released, add*) and I (*name the wife*) hereby release my dower in the premises.

Witness my hand (*or our hands*) and seal (*or seals*) this day of _____ one thousand eight hundred and _____

(L.S.)	A.B.
(L.S.)	C.D.

Signed, sealed and delivered in the presence of O.K.

 25 VICTORIA, CAP. XXXII.

An Act to enable the Town of Niagara to dispose of its interests, in the Erie and Ontario Railroad, and for other purposes.

[Assented to 9th June, 1862.]

WHEREAS the Corporation of the Town of Niagara has advanced large sums of money for the construction of the Erie and Ontario Railroad; and whereas such moneys were raised by the said Town on the credit of the Municipal Loan Fund, and such advances by the said Town were partly secured by the Company to the Town by first mortgages on the said road, upon which mortgages neither principal nor interest has been paid; and whereas the said Town has applied for authority to sell the said road, and it is expedient to authorise the sale of the legal and equitable interests of the said Town of Niagara in the said road as so applied for by the said Town; Therefore

fore

fore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Corporation of Niagara may sell and convey its interest in the Railway.

1. The Corporation of the Town of Niagara shall be, and is hereby empowered, with the approval of the Governor in Council, to sell and convey all the right, title, franchises, privileges and interests, both at law and in equity, conveyed or vested, or intended to be conveyed or vested, to or in the said Town of Niagara, under the said mortgages, to any person or persons, body politic or corporate, and either at public or private sale, and by any form of instrument under the corporate seal of the said Town, which shall clearly express the conveyance.

If there be a surplus of purchase money.

2. In case there should be a surplus of the purchase money over and above the amount due upon the mortgages held by the said Town of Niagara against the said Railroad Company, the same shall be applied to the payment of other creditors of the Company according to their respective priorities.

What rights only shall be vested in the Corporation or in the purchaser.

3. Nothing herein contained shall confer upon the Corporation of the Town of Niagara or on the said purchaser or purchasers any other or greater right, title or property in the wharves and works at Niagara than is now held by the said Corporation of the Town of Niagara or by the said Erie and Ontario Railroad Company, or confer or permit any rights on any portions of the Great Western Railway, nor shall affect any unpaid claims against the Erie and Ontario Railroad Company, in respect of rights of way, whether for temporary or permanent occupation ; which said last mentioned claims shall be a charge upon the said rights and property hereby authorized to be sold.

Claims for right of way not to be affected.

Public Act.

4. This Act shall be deemed a Public Act.

“ THE ERIE AND NIAGARA RAILWAY COMPANY ACT OF 1863.”

27 VICTORIA CAP. LIX.

An Act to amend the Act incorporating the Fort Erie Railway Company, and to change the name of the said Company to the Erie and Niagara Railway Company.

[Assented to 15th October, 1863.]

Preamble. 20 V. c. 151.

WHEREAS an Act was passed in the twentieth year of Her Majesty's Reign intituled : “ An Act to incorporate the Fort Erie Railway Company, with power to construct a line

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line of Railway from Fort Erie to Chippewa," and whereas William A. Thomson, a Provisional Director of the said Company and the Corporation of the Town of Niagara have by their Petitions represented that it is desirable, in order to afford increased facilities to the carrying trade of the western section of the Province, that the said Company should be empowered to transport grain and other freight and passengers from Lake Erie to Lake Ontario, and for that purpose to purchase or lease the Erie and Ontario Railway now constructed from Chippewa to Niagara, with all the rights and powers thereto belonging,— and it is expedient to grant the prayer of the said Petitions : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

1. The name of the said Company shall be changed, and from and after the passing of this Act it shall be called The Erie and Niagara Railway Company, and in citing this Act it shall be sufficient to use the expression "The Erie and Niagara Railway Company Act of 1863;" and the expression "the Company" hereinafter used, shall denote the Erie and Niagara Railway Company:

2. The capital of the Company shall be two millions of dollars, and shall be divided into twenty thousand shares of one hundred dollars each, and such shares shall be deemed personal property, and may, after the first instalment thereon shall have been paid, be transferred by the respective persons, bodies corporate or politic, holding the same, to any person or persons, and such transfer or transfers shall be entered and registered in a book or books to be kept for that purpose by the said Company : and such stock as has heretofore been subscribed to the Fort Erie Railway Company, and ten per cent. actually and bona fide paid thereupon, shall, at the option of the party subscribing the same, be held valid in this Company ; but all such subscriptions of stock, when ten per cent. has not been actually and bona fide paid, shall be and are hereby declared to be illegal and void, and to form no part of the stock hereby authorized.

3. For the purpose of organizing the new Company formed by this Act, William A. Bird, William A. Thomson, James Cummings, Isaac Buchanan, Adam Crooks, Alexander McAndrew, Samuel Wann, Thomas W. Kennard, Nelson Forsyth, John Douglas, Richard Graham, Arthur Johnston and Archibald A. Gordon, shall be the Directors of the said Company, and they and their successors shall and may have continued succession, and by the name of the Erie and Niagara Railway Company, shall be capable of contracting and being contracted with, of suing and being sued, of pleading and being impleaded, answering

Change of name.

Capital stock and shares.

Transfer of shares,

Ten per cent. must have been paid, or share forfeited.

Provisional Directors.

Corporate powers of Company.

Real and personal property

Powers of Provisional Directors.

First election of Directors.

Meeting for election and notice thereof.

Line of Railway.

answering and being answered unto in all Courts and places whatsoever, in all manner of actions, suits, complaints, matters and concerns whatsoever; and they and their successors may and shall have a common seal, and may change and alter the same at their will and pleasure, and by the same name of The Erie and Niagara Railway Company, they and their successors shall also be by law capable of receiving, purchasing, having and holding to them and to their successors any estate, real, personal or mixed, to and for the use of the said Company, and of letting, conveying and otherwise departing therewith, for the benefit and on account of the said Company, from time to time, as they shall deem necessary and expedient.

4. The persons above named shall, until the next election of Directors of the Company as hereinafter provided for, be the Directors of the Company incorporated under this Act, and until such election takes place, shall, have exercise and enjoy all the powers and rights they could or would enjoy if elected under this Act, and shall have all the powers by this Act conferred on the directors so to be elected; and the Directors herein named shall elect persons to fill such offices as may be required to carry on the business of the Company such officers to hold their respective offices until the first election of Directors hereinafter mentioned; Provided always, and it is hereby enacted, that the first election of Directors to be held after the passing of this Act, shall take place so soon as one thousand shares of the capital stock of the said Company shall have been subscribed and the first instalment of ten per cent. actually paid thereon, and that from and after such first election, the above named directors of the said Company shall be immediately superseded, and their powers and authority cease and determine, and the same shall thenceforth be exercised only by the Directors elected under and after the passing of this Act: but such election shall not take place until the said provisional Directors, or a majority of them, shall call a meeting of the shareholders, at such time and place as they may think proper, giving at least two weeks' notice in one newspaper published in the County of Welland and one newspaper published in the County of Lincoln.

5. The said Company are hereby authorized to construct, work and operate a Railway with a single or double track, commencing on the Niagara River, within the Village of Fort Erie, at some point at or above the wharf of Samuel Couthard, but not further south than Queen Street, thence to the Village of Chippawa and thence, upon the acquisition by this Company—of the Erie and Ontario Railway, as hereinafter authorized, to the Town of Niagara.

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6. From and after the first election of Directors which shall take place next after the passing of this Act, the property, affairs and concerns of the Company shall be managed by seven Directors to be chosen by the shareholders on the first Tuesday of June in each year, in the manner hereinafter provided, and notice of such annual election and of the time and place of holding the same shall be published two weeks before the day of election, in one newspaper published in the County of Welland, and one newspaper published in the County of Lincoln; and all elections for Directors shall be by ballot, and the persons holding one thousand dollars of stock in this Company, and who shall have the greatest number of votes at any election, shall be Directors; and if it shall happen that two or more shall have an equal number of votes, the shareholders shall determine the election by another or other ballots until a choice is made; and if a vacancy shall at any time take place among the Directors by death, resignation or otherwise, either of those named in this Act, or of those hereafter elected, such vacancy shall be filled for the remainder of the term by a vote of the majority of the Directors; Provided always, that in case it should happen that an election of Directors shall not be made on any day when pursuant to this Act it ought to have been made, the said Company shall not for that cause be deemed to be dissolved, but it shall and may be lawful on any day thereafter to hold and make an election of Directors, in such manner as shall have been regulated by the By-laws and regulations of the said Company.

Annual election of Directors.

Notice.

Ballot: qualifications of Directors.

Ties.

Vacancies.

Provision in case of failure of election.

7. Aliens as well as British subjects, and whether resident in this Province or elsewhere, may be shareholders in the said Company, and all such shareholders shall be entitled to vote on their shares equally with British subjects, and shall be also eligible to office as Directors in the said Company; but no shareholder shall be entitled, in person or by proxy, to vote at any election of Directors, or at any general or special meeting of the shareholders of the said Company, who shall not have paid the aforesaid deposit of ten per centum, and all calls due upon his stock, at the time of such election or meetings.

Aliens may be shareholders and Directors.

All calls must be paid before voting.

8. The Directors shall make annual or semi-annual Dividends of so much of the profits of the said Company as to them or a majority of them shall seem advisable, and once or oftener, as the Directors shall by By-law from time to time determine, in each year, an exact and particular statement shall be rendered of the state of their affairs, debts, credits, profits and losses; such statement to appear in the books and to be open to the perusal of any shareholder at his or her reasonable request; which said statement shall be annually submitted to the three branches of the Legislature, within fifteen days after the opening of each Session of the Provincial Parliament; and also

Dividends.

Annual Statement.

To be submitted to the Legislature.

a statement of the tonnage of goods, freight and number of passengers that have been conveyed over the said road.

Quorum of Directors.

9. The number of Directors necessary to form a quorum for the transaction of business may be regulated by the By-laws of the Company, and until such By-laws shall be passed, a majority of the whole number of Directors shall form a quorum.

Qualification of Directors.

10. No shareholder shall be eligible to be elected a Director under this Act unless he shall be a bona fide stockholder in the said Company to the amount of at least one thousand dollars and shall have paid up all calls on such stock.

One vote for each share.

11. Each shareholder in his own right shall be entitled to a number of votes equal to the number of shares which he shall have in his own name, two weeks prior to the time of voting.

Conveyances to the Company.

12. All deeds and conveyances for lands to be conveyed to the said Company for the purposes of this Act, shall and may, as far as the title to the said lands or the circumstances of the party making such conveyance will admit, be made in the form given in the schedule marked "A," to this Act annexed, and all Registrars are hereby authorized to enter in their register books such deeds on the production and proof of execution thereof, without any memorial, and to minute such entry in the said deed, and the said Company are to pay the said Registrar for so doing the sum of two shillings and six pence for each deed registered, and no more.

Registration thereof.

Agents in London and New York.

13. The Directors of the Company may, subject to the rules and regulations from time to time of the Board, appoint an Agent in the City of London, England, and also an Agent in the City of New York, in the State of New York, with power to pay dividends, to open and keep books of transfer for the shares of the Company, and for the issue of scrip and stock certificates, and thereupon shares may be transferred from the Canada office to the London or New York offices in the names of the transferees in the same manner as shares may be transferred in the former office, and vice versa; and shares originally taken and subscribed for in Great Britain, and shares originally taken and subscribed for in the United States, may be respectively entered upon the books at the London or at the New York office, and scrip certificates be issued for them, and the Agent or Agents or other officer or officers shall transmit an accurate list of all such transfers and scrip certificates so issued to the Secretary or other officer of the Company in this Province, who shall thereupon make the requisite entries respecting such transfer and scrip certificates in the register kept in this Province; and thereupon the same shall be binding on the

And transfer of stock there or in Canada.

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the Company as to all the rights and privileges of Shareholders, as though the scrip certificates had been issued by the Secretary of the Company in this Province.

14. Whenever any transfer shall be made in England or the United States, of any share of stock of the Company, the delivery of the transfer duly executed to the Agent or Agents of the Company for the time being in London or New York aforesaid, shall be sufficient to constitute the transferee a shareholder or stockholder in the Company in respect of the share of stock so transferred, and such Agent or Agents shall transmit an accurate list of all such transfers to the Secretary of the Company in this Province, who shall thereupon make the requisite entries in the register; and the Directors may, from time to time, make such regulations as they shall think fit for facilitating the transfer and registration of shares of stock, as well in this Province as elsewhere, as to the closing of the register of transfers for the purpose of dividends as they may find expedient; and all such regulations not being inconsistent with the provisions of this Act, and of the Railway Clauses Consolidation Act, as altered or modified by this Act, shall be valid and binding.

Transfer and registration of stock.

Regulations for facilitating transfer.

15. Whenever it shall be deemed expedient by the Board of Directors that a special general meeting of the shareholders shall be convened, either for the purpose of increasing the capital or increasing or reducing the number of Directors, or for any other purpose, the Directors may convene such meeting by advertisement and circular, in manner hereinafter mentioned, in which advertisement and circular, the business to be transacted at such meeting shall be expressly stated, and such meeting may be held at the Company's chief office in Canada, or such other place in this Province as the Directors shall appoint.

Special general meetings of shareholders.

16. The notice of special general meetings of the Company for any of the purposes aforesaid, shall be inserted in the same papers as are in this Act prescribed as necessary for convening ordinary general meetings of the Company, and also, if so ordered by the Directors calling the same, in one or more of the daily morning newspapers published in London and New York, and a copy of such notice shall also be addressed by post to each shareholder at his last known or usual address, not less than forty days before the holding of such meeting.

Notice to be given thereof.

17. The several clauses of the Railway Clauses Consolidation Act with respect to the first, second, third and fourth clauses thereof, and also the several clauses of the said Act with respect to "interpretation," "incorporation," "powers," "plans and survey," "lands and their valuation," "highways and bridges," "fences," "tolls," "general meetings," "Directors, their

Certain clauses of the Consolidated Railway Act to apply.

And be incorporated with this Act.

their election and duties," "shares and their transfer," "municipalities," "shareholders," "actions for indemnity, and fines and penalties and their prosecution." "working of the Railway," and "general provisions," and also the several Acts amending the said Act as varied and modified respectively by the provisions of this Act, shall be incorporated with and form part of this Act, except such provisions of said Railway Clauses Consolidation Act or of the Acts amending the same, as apply to matters and things for which express provision is made in this Act, and the said several clauses of the aforesaid Acts herewith embodied shall be construed to apply to this Company as if the said Company were now newly incorporated.

Compensation for gravel, &c., used to be fixed by arbitration.

18. Where stone, gravel, or any other material is or are required for the construction or maintenance of said Railway or any part thereof, the Company may, in case they cannot agree with the owner of the lands on which the same are situate for the purchase thereof, cause a Provincial Surveyor to make a map and description of the property so required, and they shall serve a copy thereof with their notice of arbitration as in cases of acquiring the roadway, and the notice of arbitration, the award and the tender of the compensation shall have the same effect as in the case of arbitration for the roadway; and all the provisions of the Railway Clauses Consolidation Act, as varied and modified by this Act, as to the service of the said notice, arbitration, compensation, deeds, payment of money in count, the right to sell, the right to convey, and the parties from whom lands may be taken, or who may sell, shall apply to the subject matter of this section and to the obtaining materials as aforesaid, and such proceedings may be had by the said Company either for the right to the fee simple in the land from which said material shall be taken, or for the right to take material for any time they shall think necessary; the notice of arbitration, in case arbitration is resorted to, to state the interest required.

Tracks over intervening lands to get gravel &c.

19. When said gravel, stone or other materials shall be taken, under the preceding section of this Act, at a distance from the line of the Railway, the Company may lay down the necessary siding and tracks over any lands which may intervene between the Railway and the lands on which said material shall be found, whatever the distance may be, and all the provisions of the Railway Clauses Consolidation Act, and of this Act, except such as relate to filing plans and publication of notice, shall apply and may be used and exercised to obtain the right of way from the Railway to the land on which such materials are situated; and such right may be so acquired for a term of years or permanently as the Company may think proper; and the powers in this and the preceding section may at all times be exercised and used in all respects after the

Railway

Railway is constructed, for the purpose of repairing and maintaining the said Railway.

20. The Company may unite or make traffic arrangements with any other Railway Company or Companies, or with the International and any other Bridge Company, or may lease this Railway to any other Company with the necessary conveniences for the purposes of such union, occupation, or traffic arrangements; and the Board of Directors of such Railways and the International and other Bridge Company, may agree upon such union, lease or traffic arrangements, and grant facilities for the same.

Union with
other Com-
panies.

21. Whereas the Corporation of the Town of Niagara, pursuant to the powers and provisions contained in the Act twenty-fifth Victoria, Chapter thirty-two, intituled: An Act to enable the Town of Niagara to dispose of its interests in the Erie and Ontario Railroad and for other purposes, by an Indenture dated the tenth day of August, one thousand eight hundred and sixty-three, did grant and convey to William A. Thomson, of the Village of Fort Erie, in the County of Welland, the Erie and Ontario Railroad, together with all and singular the houses, buildings, stations, station ground, rights, ways, franchises, privileges, and appurtenances, of any kind or nature whatsoever to the said Erie and Ontario Railroad or Railroad Company, in anywise appertaining; but subject, nevertheless, to the several provisoes, conditions and agreements, in the said indenture particularly mentioned and set forth: Be it therefore enacted, that it shall and may be lawful for the Erie and Niagara Railway Company, to acquire by purchase from the said William A. Thomson, or his assigns, the Erie and Ontario Railroad aforesaid, with all the singular its houses, buildings, stations, station ground, rights, ways, franchises and appurtenances, and when so acquired, the same shall be incorporated with the said Erie and Niagara Railway Company, and thereupon the said Erie and Ontario Railroad, with all its franchises and privileges, shall vest in and become part of the Erie and Niagara Railway Company, and that freed and discharged from any equity or right of redemption of the said Erie and Ontario Railway Company or otherwise whatsoever, but each purchase shall be subject to the same provisions and agreements in favour of the Corporation of the Town of Niagara, which are set forth and contained in the hereinbefore mentioned Indenture of the tenth day of August, one thousand eight hundred and sixty-three, and also subject to the following conditions, that is to say, that nothing herein contained shall confer or permit any rights on any portion of the Great Western Railway, nor shall affect any claims legally valid against the Erie and Ontario Railroad Company in respect of rights of way, whether for temporary or permanent occupation, which right

Transfer of
Erie and Onta-
rio Railroad
by the Town
of Niagara to
W. A. Thom-
son, recited.

This Company
may purchase
the same from
him.

Rights of the
Company after
such transfer.

Transfer sub-
ject to certain
conditions.

rights shall be a charge upon the Erie and Niagara Railway; nor shall such purchase confer upon the Erie and Niagara Railway Company, or upon any other purchaser or purchasers, any other or greater rights, title or property in the present wharfs or works at Niagara than is now held by the said William A. Thomson, under the sale by the said Corporation of Niagara, or by the said Erie and Ontario Railroad Company; and it is hereby declared that the deeds of conveyance from the Corporation of the Town of Niagara to the said William A. Thomson, and from the said William A. Thomson or his assigns, to the Erie and Niagara Railway Company, may be registered in the Registry Offices of the Counties of Lincoln and Welland, respectively, by the filing of two copies thereof respectively, and the respective Registrars are required to record said deeds respectively, and the production of such deeds or of such registered copies respectively, shall be sufficient evidence without further proof that the Erie and Ontario Railroad hath become vested in and incorporated with the Erie and Niagara Railway Company.

Registration of deed from the Town of Niagara to W. A. Thomson.

22. The Company shall have full power under this Act to purchase and hold a river frontage, and sufficient depth of land therefrom in the Town of Niagara, for the erection of grain warehouses, docks, station buildings, workshops and offices; also land at the Welland River for a station and grain elevator; also lands and river front on the Niagara River, at Fort Erie, within the limits of said Village, for docks, elevators, station grounds, and station buildings.

River frontage may be acquired by the Company.

23. The Company shall have full power under this Act to purchase and hold as part of the property of the said Company as many propellers and sail vessels as may be required from time to time to carry the grain and other property arriving at Niagara and brought over the whole or part of the said Railway to its Canadian or American destination; also one or more steam boats for passengers and freight between Niagara and Toronto and other ports; also a ferry boat on the Niagara River, at Fort Erie, and a steam tug for the towing of vessels to and from the docks of the Company at Fort Erie, and at Niagara, on Lake Ontario; and all such property shall be united with the Railway, as the general property of the Company; and it shall be lawful for the said Company to construct and maintain, as part of the Erie and Niagara Railway Company's property, and out of the capital stock of said Company, elevators and dockage at Kingston and Oswego, on Lake Ontario, for the receiving and delivery of the grain shipped at Niagara by said Company.

Company may hold propellers and sailing vessels.

Ferry and tow boats.

Elevators and dockage.

Branch to Buffalo Railway depot.

24. The Company shall have full power under this Act, when possessed of authority under the laws of the State of New York,

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York, to construct and maintain out of the capital stock of the said Company, a continuation of said Railway within the said State of New York, said continuation to commence as nearly opposite as may be advantageous to the termination of the Railway on this side of the Niagara River, at Fort Erie, passing thence along the outskirts of the City of Buffalo, until it reaches the general depot of the American Railways on Exchange Street in the said City of Buffalo, such extension of Railway being about six miles in length.

25. The Company shall have power to construct and operate a branch of their Railway from some point on their line within the Township of Willoughby to an intersection with the Welland Railway, at or near to Port Robinson, on the Welland Canal. Branch to Port Robinson.

26. The work performed heretofore by contractors on the line of the Fort Erie Railway, and the expenses of surveying and engineering, together with all money disbursed for the right of way, and in respect to the construction of the Fort Erie Railway, and all other legal liabilities of the Fort Erie Railway Company, shall be paid, assumed and satisfied by the Company hereby incorporated. Construction accounts of Fort Erie Railroad to be paid.

27. So much of the original Act of incorporation of the Fort Erie Railway Company as conflicts with this Act is hereby repealed; but such repeal shall not effect anything lawfully done, or any right acquired or liability incurred or agreement entered into, under or by virtue of the said Act, before the passing of this Act, or the recourse of any person or party for the enforcement of any such right, liability or agreement. Part of original Act repealed. Proviso.

28. The said Railway shall be completed within two years from and after the passing of this Act. Completion of Railway.

29. The said Erie and Niagara Railway Company shall be and is hereby empowered to lay down a six-foot gauge track besides the usual five feet six inches track of this Province, and the "Erie" and the "Atlantic and Great Western" Railways of the United States are hereby empowered subject to the assent of the Erie and Niagara Railway Company, and under such stipulations as may be agreed upon between the said respective Companies, to run their trains over said Erie and Niagara Railway, with coal, general freight and passengers to and from the Town of Niagara and intermediate stations. Extra track 6ft. gauge. Certain Companies may use the same.

30. This shall be deemed a Public Act.

Public Act.

SCHEDULE A.

Know all men by these presents that I, A.B., of _____ do hereby in consideration of _____ being the purchase money paid to me by the Erie and Niagara Railway Company, the receipt whereof I do hereby acknowledge, grant, bargain, sell, convey and confirm unto the said Erie and Niagara Railway Company, their successors and assigns for ever, all that certain tract or parcel of land, situate &c., (*here describe the land*) the same having been selected by the said Company for the purpose of their Road, (Harbor, Wharf or Pier, *as the case may be*) To have and to hold the said land and premises, together with the hereditaments and appurtenances thereto belonging, or to the said Erie and Niagara Railway Company, their successors and assigns or ever.

Witness my hand and seal this day of _____ A.D. 18

Signed, sealed and delivered in the presence of C.D.

A.B. (L.S.)

36 VICTORIA, CAP. LXXXVI.

An Act to amend the Erie and Niagara Railway Company Act of 1863.

[Assented to 23rd May, 1873.]

WHEREAS the Erie and Niagara Railway Company have petitioned for power to construct one or more branches from their line of railway to the Niagara River, and otherwise to extend their corporate powers, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. The said company shall have power to construct and open one or more branch lines of railway in the Counties of Lincoln and Welland to the Niagara River to connect with the intended railway bridge at Queenston, and with the Canada Southern Railway at some point in the Township of Bertie, and "*The Erie and Niagara Railway Company Act, 1863*," shall be taken, held and construed to apply to any such branch lines as fully and effectually as if the said branch lines had been originally authorized to be constructed and operated in and by the said last mentioned Act.

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2. The gauge of the said railway may be such as the directors in their discretion may determine upon.

3. The Erie and Niagara Railway Company may extend to any railways which may have a terminus in the State of New York on the Niagara River, the same privileges which are authorized to be conferred on the railway companies mentioned in the twenty-ninth section of "*The Erie and Niagara Railway Company Act, 1863*," subject to the provisions in the said section contained.

4. The company are authorized to acquire by purchase or lease land and premises in the Village of Lewiston, in the State of New York and in the City of Toronto for the erection of docks, elevators, warehouses, stations, buildings and offices, and to sell and convey the same when no longer required for the purposes of the company.

35 VICTORIA, CAP. XCI.

An Act to incorporate the Detroit River Railway Bridge Company.

[Assented to 14th June, 1872.]

WHEREAS the Canada Southern Railway Company, and the persons hereinafter named, Directors of the said Company, have petitioned for power to build a railway bridge across the Detroit River, at some point near the Town of Amherstburgh, in the County of Essex, and for the incorporation of a company for that purpose; and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. The Detroit River Bridge is hereby declared to be a work Declaratory for the general advantage of Canada.

2. Milton Courtright, of the City of Erie, in the State of Pennsylvania; John F. Tracy, of the City of Chicago, State of Illinois; Sidney Dillon, of the City of New York; William A. Thomson, of Queenston, in the Province of Ontario; Oliver S. Chapman, of the City of Canton, in the State of Massachusetts; Daniel Drew, of the City of New York; William L. Scott, of the City of Erie; John Ross, of the City of New York; and Benjamin F. Ham, of the said City of New York, together with

Corporate name and general powers.

with such persons and corporations as shall, under the provisions of this Act, become shareholders in the company hereby incorporated, are hereby constituted and declared to be a body corporate and politic by the name of "The Detroit River Railway Bridge Company;" and the said company shall have full power and authority to purchase, acquire, take and hold such lands, lands covered with water, Leaches and other property, as may be necessary for the purpose of constructing the said bridge, or for the convenient using of the same, and also for the construction of such branch railway, not exceeding three miles in length, as may be necessary to approach the said bridge.

Railway Act to form part of this Act.

3. "The Railway Act, 1868," is hereby incorporated with this Act, and shall form part thereof, and be construed therewith as forming one Act.

Power to construct bridge.

4. The company hereby incorporated shall have full power under this Act to construct, maintain, work and manage a railway bridge across the Detroit River for railway purposes, from some point at or near the Town of Amherstburgh, in the County of Essex, towards the Island of Grosse Isle, in the State of Michigan, in the United States of America.

Power to work trains over the bridge, and into Amherstburgh.

5. The company are hereby authorized to work trains by steam or horse power for local passengers and freight traffic between the State of Michigan and the County of Essex, over the bridge hereby authorized to be constructed, and to connect the said trains with other railways; and, by rails or otherwise, to work the said trains into the Town of Amherstburgh and within its corporate limits.

Provisional directors.

6. The persons named in the second section are constituted the board of provisional directors of the said company, and shall hold office as such until the first election of directors, under this Act; and shall have power and authority immediately after the passing of this Act, to open stock books and procure subscriptions of stock for the undertaking, giving at least four weeks' previous notice by advertisement in the "Canada Gazette" of the time and place of their meeting to receive subscriptions of stock; and the said provisional directors may cause surveys and plans to be made and executed, and may acquire any plans and surveys now existing, and it shall be their duty, as hereinafter provided, to call a general meeting of shareholders for the election of directors.

Their powers.

Subscriptions of stock.

7. No subscription of stock in the capital of the said company shall be legal or valid, unless ten per centum shall have been actually and *bona fide* paid thereon, within five days after subscription, into one or more of the chartered banks of Canada, to be designated by the said directors; and such ten per centum

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centum shall not be withdrawn from such bank, or otherwise applied, except for the purposes of such railway bridge, or upon the dissolution of the company from any cause whatever; and the said directors, or a majority of them, may, in their discretion, exclude any persons from subscribing who, in their judgment, would hinder, delay or prevent the said company from proceeding with and completing their undertaking under the provisions of this Act; and, if more than the whole stock shall have been subscribed, the said provisional directors shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking; and, in such allocation, the said directors may, in their discretion, exclude any one or more of the said subscribers, if, in their judgment, their so doing will best secure the building of the said railway bridge.

Directors may exclude objectionable subscribers, and allocate surplus stock.

8. All shareholders in the said company, whether British subjects or aliens, or residents in Canada or elsewhere, shall have equal rights to hold stock in the said company, and to vote on the same, and to be eligible to office in the said company.

All shareholders to have equal rights.

9. The capital stock of the said company shall be five hundred thousand dollars, divided into five thousand shares of one hundred dollars each, with power to increase the same to one million of dollars.

Capital.

10. So soon as two hundred thousand dollars of the said capital stock shall have been subscribed as aforesaid, and ten per cent. *bona fide* paid thereon, and deposited in one or more of the chartered banks of Canada for the purposes of the company, the hereinbefore mentioned directors, or a majority of them shall call a meeting of the shareholders of the said company at such time and place as they may think proper, giving at least two weeks' notice in the *Canada and Ontario Gazettes*, at which meeting the shareholders shall elect nine directors from the shareholders possessing the qualifications hereinafter mentioned; which directors shall hold office until the next annual meeting of the shareholders as hereinafter provided.

First meeting of shareholders.
Election of directors.

11. The annual general meeting of the shareholders for the election of directors and other general purposes, shall be held at Amherstburgh or elsewhere, as may be appointed by by-law, on the first Wednesday in the month of June in each year; and two weeks' previous notice thereof shall be given by publication as provided in the last preceding section.

Annual general meeting and election.

12. No person shall be elected a director of the said company unless he shall be the holder and owner of at least forty shares in the stock of the said company, and shall have paid up all calls made thereon.

Qualification of directors.

13.

Calls on shares.

13. No call to be made at any time upon the said capital stock shall exceed ten per centum on the subscribed capital; and no stockholder shall be liable for the debts or obligations of the company beyond the amount unpaid on any stock held by him.

Liability limited.

Power to issue bonds.

14. It shall be lawful for the directors of the said company, after the sanction of the shareholders shall have been first obtained at any special general meeting to be called from time to time for such purpose, to borrow money to an amount not exceeding six hundred thousand dollars upon the corporate bonds of the said company, secured by a mortgage or mortgages upon all or any part of the property of the company, real and personal, and then existing, or at any time thereafter acquired, and upon all the rights, revenues and franchises of the company; and such bonds may be for any term of years not exceeding thirty, and may bear interest at the rate of seven per centum per annum, and may be sold or disposed of by the directors at their marketable value.

Mortgage.

Company may become parties to notes.

15. The company shall have power to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars; and any such promissory note made or endorsed, and such bill of exchange drawn, accepted or endorsed by the president or vice-president of the company, and countersigned by the secretary and treasurer, and under the authority of a majority of a quorum of the directors, shall be binding on the company; and every such promissory note or bill of exchange made, drawn, accepted or endorsed by the president or vice-president of the said company, and countersigned by the secretary and treasurer, as such, shall be presumed to have been properly made, drawn, accepted or endorsed, as the case may be, for the company, until the contrary be shown; and in no case shall it be necessary to have the seal of the company affixed to any such bill of exchange or promissory note; nor shall the president, vice-president, or secretary and treasurer of the company, so making, drawing, accepting or endorsing any such promissory note or bill of exchange, be thereby subjected individually to any liability whatever: Provided always that nothing in this section shall be construed to authorize the said company to issue any note payable to bearer, or any promissory note intended to be circulated as money, or as the note of a bank.

Proviso.

Plans, &c., to be submitted to Governor in Council for approval.

16. The said company shall not commence the said bridge, or any work thereunto appertaining, until the company shall have submitted to the Governor in Council plans of such bridge, and of all the intended works thereunto appertaining, nor until such plans and the site of such bridge shall have been approved by the Governor in Council, and such conditions as

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he shall have thought fit for the public good to impose, touching the said bridge and works shall have been complied with; nor shall any such plan be altered, nor any deviation therefrom allowed, except by the permission of the Governor in Council, and upon such conditions as he shall impose: Provided always that the said bridge shall be constructed so as not materially to obstruct the navigation of the Detroit River; and the said bridge shall have two draws in the main channel of the river, which said draws shall each be of the width of one hundred and sixty feet, and shall otherwise give free and unobstructed passage to vessels of every description navigating the said river; and the said draws shall at all times during the season of navigation be kept open, except when actually required to be closed for the passage of railway trains, and shall otherwise be tended and moved at the expense of the said company, so as not to hinder unnecessarily the passage of any vessel. From sundown until sunrise, during the season of navigation, suitable lights shall be maintained upon the said bridge to guide vessels approaching the said draws; and for assisting the passage of any vessel through the said draws, the said company shall at all times keep in readiness a steam tug suitable for towing the said vessels through the said draws, and shall tow all the said vessels through the said draws respectively, whenever requested so to do by the officers of such vessels, without charge, and the said company shall be liable to pay the owners of any vessel or of the cargoes or freight thereof, all damages they may respectively sustain by reason of any neglect of any of the foregoing provisions; and the use of the said bridge shall be subject to such regulations as shall be from time to time approved of by the Governor in Council.

Navigation of river not to be obstructed unnecessarily by bridge.

Draws in bridge.

Lights.

Steam tug.

No charge for towage. Damages for neglect.

17. It shall be the duty of the said company during the construction of such bridge to put up and maintain in the night time during the season of navigation a good and sufficient light at each end of any coffer dam or pier which may be erected by the said company,—the said light to be placed at least five feet above the said dam or pier, and also such buoys during both day and night as may be necessary for the guidance of persons navigating the said river: Provided always that before commencing the works of the said bridge, or taking possession of any part of the beach or land covered with water or other property of the Crown, the company shall obtain the consent of the Governor in Council, who may impose such terms and conditions as he shall think proper before granting permission to commence the works or take possession of any property of the Crown as aforesaid, provided the navigation of such river shall not be unnecessarily obstructed by such work.

Maintenance of lights on coffer dams, &c.

Buoys,

Proviso: Consent of Governor in Council required before commencing.

18. Whenever it shall become necessary, for the purpose of procuring sufficient lands for stations or gravel pits, or other purposes,

Sale of land not required by company.

purposes, for constructing, maintaining and using the said bridge, to purchase more land than is required for such stations or gravel pits, or other purposes, the said company may purchase, hold, use or enjoy such lands, and also the right of way thereto, if the same be separated from their bridge, in such manner, and for such purposes connected with the constructing, maintenance or use of the said bridge, as they may deem expedient, and shall sell and convey the same, or part thereof, not permanently required for the use of the bridge.

Company may lease bridge,

or hire railway,

or rolling stock, or make agreement for use.

Railway companies may become stockholders, &c.

Tariff rates to be same for all railways passing over bridge.

Arbitrators in case of disagreement.

19. It shall be lawful for the said company to enter into any agreement with any railway or railroad company or companies in the Dominion of Canada, or in the United States of America, for leasing the said bridge, or the use thereof, at any time or times, or for any period, to such railway or railroad company or companies; or for leasing or hiring from such company or companies any railway, or railroad, or part thereof, or the use thereof; or for the leasing or hiring any locomotives, tenders or moveable property; and generally to make any agreement or agreements with any such company or such companies, touching the use by one or the other or others of the bridge, or railway or railways, or railroad or railroads, or moveable property of either or any of them, or any part thereof, or touching any service to be rendered by the one company to the other or others, and the compensation therefor; and any such railway or railroad company or companies may agree for the loan of its credit to, or may subscribe to and become the owner of the stock of the company hereby created, in like manner, and with like rights as individuals; and any such agreement shall be valid and binding, and shall be enforced by courts of law, according to the terms and tenor thereof; and any company accepting and executing such lease shall be and is empowered to exercise all the rights and privileges in this charter conferred.

20. When the said railway bridge is completed and ready for traffic, all trains of all railways or railroads terminating at or near the Town of Amherstburgh aforesaid, or in the State of Michigan, at or near some point opposite the said Town of Amherstburgh, now constructed, or hereafter to be constructed (including the cars of any other railway company which may be brought over such railway), shall have the right to pass over the said bridge, at corresponding tariff rates, for the persons and property transported, so that no discrimination in tariff rates for such transportation shall be made in favour of or against any railway or railroad, whose trains or business pass over the said bridge.

21. In case of any disagreement, and as often as the same may arise, as to the rights of any railroad or railway whose trains

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trains or business shall pass over the said work hereby author- ized to be constructed, or the tariff rates to be charg:d in re- spect thereof, the same shall be determined by arbitrators,— one to be appointed by the company hereby incorporated, and another by the company with whom the disagreement shall have arisen, and a third (who shall be some person experienced in railway affairs) by one of the superior courts of the Province of Ontario, upon application to such court, due notice thereof having been given to the parties interested; and the award of the said arbitrators, or the majority of them shall be final: **Award to be final:** Provided that the terms of the said award shall not be binding for a longer term than five years. **Proviso.**

22. It shall be lawful for the said company to unite, amal- gamate and consolidate its stock, property and franchises, with the stock, property and franchises of "The Detroit River Rail- road and Bridge Company," or any other company incorporated, or which may be incorporated, by the laws of the State of Michigan, one of the United States of America, for a similar purpose with the company hereby incorporated, and to enter into all contracts and agreements therewith necessary to such union and amalgamation, and which said company shall be, by the laws of the State of Michigan, authorized to enter into such amalgamation or consolidation. **Power to unite with a Michigan company.**

23. The directors of the company hereby incorporated, and of any corporation proposing to so amalgamate or consoli- date as aforesaid, may enter into a joint agreement in duplicate under the corporate seals of each of the said corporations, for the amalgamation and consolidation of the said corporations,—pre- scribing the terms and conditions there of, the mode of carrying the same into effect; the name of the new corporation; the number and names of the directors and other officers thereof, and who shall be the first directors and officers thereof, and their places of residence; the number of shares of the capital stock, the amount or par value of each share, and the manner of converting the capital stock of each of the said corporations into that of the new corporation; and how, and when, and for how long, directors and other officers of such new corporation shall be elected, and when elections shall be held,—with such other details as they shall deem necessary to perfect such new organization and the consolidation and amalgamation of the said corporations, and the after-management and working thereof; and such new corporation shall have power to consoli- date or unite with either or any of the lines of railway having powers of consolidation or union, connecting with the said bridge, by the same means and to the same ends as the same may be consolidated by this Act. **Power granted to Directors to enter into agreement with Michigan Company, and regulate details.** **New corpora- tion may unite with any connecting lines of rail way.**

Agreement to be submitted to stockholders of each corporation.

Notice to be given.

Voting on agreement.

If adopted, agreement to be filed with Secretary of State of Canada, and with the Secretary of State of Michigan.

Powers of consolidated corporation.

Property and rights of several corporations to be transferred to and vested in new corporation.

24. Such agreement shall be submitted to the stockholders of each of the said corporations, at a meeting thereof, to be held separately, for the purpose of taking the same into consideration. Notice of the time and place of such meetings and the object thereof, shall be given by written or printed notices addressed to each of the persons in whose names, at the time of giving such notice, the capital stock of such corporations shall stand on the books of such corporations, and delivered to such persons respectively, or addressed to them by mail, at their last known post-office address or place of residence; and also by a general notice to be published in a newspaper published in the County of Essex and in the City of Detroit, once a week for two successive weeks. At such meetings of stockholders, such agreement shall be considered, and a vote by ballot taken for the adoption or rejection of the same,—each share entitling the holder thereof to one vote, and the said ballots to be cast in person or by proxy; and if two-thirds of the votes of all the stockholders of such corporation shall be for the adoption of such agreement, then that fact shall be certified upon each of the said duplicates by the secretary of each of such corporations under the corporate seals thereof; and if the said agreement shall be so adopted at the respective meetings of the stockholders of each of the said corporations, one of the duplicates of the agreement so adopted, and of the said certificates thereon shall be filed in the office of the Secretary of State of the Dominion of Canada, and the other in the office of the Secretary of State of the State of Michigan; and the said agreement shall from thence be taken and deemed to be the agreement and act of consolidation and amalgamation of the Company and of such other corporation; and a copy of such agreement so filed, and of the certificates thereon, properly certified, shall be evidence of the existence of such new corporation.

25. Upon the making and perfecting of the said agreement and act of consolidation as provided in the next preceding section and the filing of the said agreement as in the said section provided, the several corporations, parties thereto, shall be deemed and taken to be consolidated, and to form one corporation by the name in the said agreement provided, with a common seal; and shall possess all the rights, powers, privileges and franchises and be subject to all the disabilities and duties of each of such corporations so consolidated and united except as herein provided.

26. Upon the consummation of such act of consolidation as aforesaid, all and singular the property, real, personal and mixed, and all rights and interests appurtenant thereto, all stock, subscriptions and other debts due on whatever account, and other things in action belonging to such corporations, or

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either of them, shall be taken and deemed to be transferred to and vested in such new corporation without further Act or deed: Provided, however, that all rights of creditors, and all liens upon the property of either of such corporations shall be unimpaired by such consolidation, and all debts, liabilities and duties of either of the said corporations shall thenceforth attach to the new corporation, and be enforced against it to the same extent as if the said debts, liabilities and duties had been incurred or contracted by it; and provided also that no action or proceeding, legal or equitable, by or against the said corporations so consolidated, or either of them, shall abate or be affected by such consolidation; but for all the purposes of such action or proceeding such corporation may be deemed still to exist, or the new corporation may be substituted in such action or proceeding in the place thereof.

Rights of creditors prosecuted.

And rights of suitors.

27. The said new corporation shall have power, from time to time to borrow such sums of money as may be necessary for constructing and completing the work hereby authorized and for the acquiring of the necessary real estate for the site thereof and approaches thereto, and so mortgage its corporate property and franchises to secure the payment thereof; but the principal of the mortgage debt of such corporation shall not at any time exceed the sum of one million two hundred thousand and dollars.

New corporation may negotiate loans &c.

Mortgage debt limited.

28. At all meetings of the stockholders of the company hereby incorporated, each stockholder shall be entitled to cast one vote for each share of stock held by him, and to vote either in person or by proxy; and the directors of the said company may also, at any meeting of the board, vote by proxy—such proxy to be held by another director: Provided that no more than two proxies be held by one director, of the other directors, and not less than four directors shall be present in person at any meeting of the board of directors for the transaction of business.

Mode of voting at all meetings.

Proxies. Proviso.

Quorum at meeting of directors.

29. One hundred thousand dollars shall be paid in within two years, and the works shall be commenced within two years, and completed within six years from the passing of this Act.

Limitation clause.

30. This Act shall have no force or effect until duly certified copies of any Act passed by the Legislature of the State of Michigan, incorporating any company for objects similar to those contemplated by this Act, and of any Act of Congress of the United States, conferring necessary powers in respect to the same, are filed in the Department of the Secretary of State of Canada; upon which the Governor in Council may, by proclamation, order that from and after a day to be mentioned therein, this Act shall be of full force and effect; and this Act shall accordingly thenceforth have full force and effect.

Conditions to be observed before this Act shall be in force.

35 VICTORIA, CAP. LXXXVII.

An Act to incorporate the River St. Clair Railway Bridge and Tunnel Company.

[Assented to 14th June, 1872.]

Preamble.

WHEREAS the Canada Southern Railway Company and the persons hereinafter named, Directors of the said Company, have petitioned for power to build a Railway bridge across, or a tunnel under the River St. Clair, as may be found most suitable, at some point in the Township of Moore, in the County of Lambton, and for the incorporation of a Company for that purpose, and it is expedient to grant the prayer of the said petition : Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada enacts as follows :—

Declaratory.

1. The River St. Clair Railway Bridge and Tunnel is hereby declared to be a work for the general advantage of Canada.

Incorporation.

2. Milton Courtright, of the City of Erie in the State of Pennsylvania, John F. Tracy, of the City of Chicago, State of Illinois, Sidney Dillon, of the City of New York, William A. Thomson, of Queenston, in the Province of Canada, Oliver S. Chapman, of the City of Canton, in the State of Massachusetts, Daniel Drew, of the City of New York, William L. Scott, of the City of Erie, John Ross, of the City of New York, and Benjamin F. Ham, of the said City of New York, together with such persons and corporations as shall under the provisions of this Act become shareholders in the Company hereby incorporated, are hereby constituted and declared to be a body corporate and politic by the name of "The River St. Clair Railway bridge and tunnel Company ; " and the said Company shall have full power and authority to purchase, acquire, take and hold such lands, lands covered with water, beaches and other property as may be necessary for the purpose of constructing the said bridge or tunnel, or for the convenient using of the same, and also for the construction of such branch Railway not exceeding three miles in length, as may be necessary to approach the said bridge or tunnel.

Corporate name and powers.

Railway Act incorporated.

3. "The Railway Act, 1868" is hereby incorporated with this Act, and shall form part hereof and be construed therewith as forming one Act.

Power to construct bridge or tunnel.

4. The Company hereby incorporated shall have full power under this Act to construct, maintain, work and manage a Railway

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Railway bridge across, or a tunnel under the River St. Clair, as may be found most suitable for railway purposes, from some point in the Township of Moore, in the County of Lambton, towards the City of St. Clair, in the State of Michigan.

5. The Company are hereby authorized to work trains by steam or horse power, for local passengers and freight traffic between the State of Michigan and the County of Lambton, over the bridge or through the tunnel hereby authorized to be constructed, and to connect the said trains with other railways.

Power to work trains across bridge or tunnel.

6. The persons named in the second section are constituted the Board of Provisional Directors of the said Company, and shall hold office as such until the first election of Directors under this Act; and shall have power and authority, immediately after the passing of this Act, to open stock books and procure subscriptions of stock for the undertaking,—giving at least four weeks previous notice by advertisement in the "*Canada Gazette*," of the time and place of their meeting to receive subscriptions of stock and the said Provisional Directors may cause surveys and plans to be made and executed, and may acquire any plans and surveys now existing, and it shall be their duty, as hereinafter provided, to call a general meeting of shareholders for the election of Directors.

Provisional Directors.

Stock books.

Plans and surveys.

7. No subscription of stock in the capital of the said Company shall be legal or valid, unless ten per centum shall have been actually and bona fide paid thereon within five days after subscription into one or more of the chartered Banks of Canada to be designated by the said Directors; and such ten per centum shall not be withdrawn from such Bank, or otherwise applied, except for the purposes of such Railway bridge or tunnel, or upon the dissolution of the Company from any cause whatever, and the said Directors or a majority of them may, in their discretion, exclude any persons from subscribing who in their judgment, would hinder, delay or prevent the said Company from proceeding with and completing their undertaking under the provisions of this Act; and if more than the whole stock shall have been subscribed, the said provisional Directors shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking; and in such allocation the said Directors may, in their discretion, exclude any one or more of the said subscribers if, in their judgment, this will best secure the building of the said Railway bridge or tunnel.

Subscriptions of stock and allotment.

8. All shareholders in the said Company whether British subjects or aliens, or residents in Canada or elsewhere, shall have equal rights to hold stock in the said Company and to vote in the same, and to be eligible to office in the said Company.

All shareholders to have equal rights.

Capital and shares. **9.** The capital stock of the said Company shall be five hundred thousand dollars, divided into five thousand shares of one hundred dollars each, with power to increase the same to one million of dollars.

First meeting of shareholders and election of officers. **10.** So soon as two hundred thousand dollars of the said capital stock shall have been subscribed as aforesaid, and ten per cent. bona fide paid thereon and deposited in one or more of the chartered banks of Canada for the purposes of the Company, the hereinbefore mentioned Directors, or a majority of them shall call a meeting of the shareholders of the said Company at such time and place as they may think proper, giving at least two weeks' notice in the *Canada* and *Ontario Gazettes*: at which meeting the shareholders shall elect nine Directors from the shareholders possessing the qualifications hereinafter mentioned: which Directors shall hold office until the next annual meeting of the shareholders as hereinafter provided.

Annual general meeting. **11.** The annual general meeting of the shareholders for the election of Directors and other general purposes shall be held at Amherstburgh or elsewhere, as may be appointed by By-law, on the first Wednesday in the month of June in each year; and two weeks' previous notice thereof shall be given, by publication as provided in the last preceding section.

Qualification of Directors. **12.** No person shall be elected a Director of the said Company unless he shall be the holder and owner of at least forty shares in the stock of the said Company and shall have paid up all calls made thereon.

Calls. **13.** No call to be made at any time upon said capital stock shall exceed ten per centum on the subscribed capital; and no stockholder shall be liable for the debts or obligations of the Company beyond the amount unpaid on any stock held by him.

Power to borrow money and mortgage works. **14.** It shall be lawful for the Directors of the said Company after the sanction of the shareholders shall have been first obtained at any special general meeting to be called from time to time for such purpose, to borrow money to an amount not exceeding six hundred thousand dollars upon the corporate bonds of the said Company secured by a mortgage or mortgages upon all or any part of the property of the Company, real and personal and then existing or at any time thereafter acquired, and upon all the rights, revenues and franchises of the Company; and such bonds may be for any term of years not exceeding thirty, and may bear interest at the rate of seven per centum per annum, and may be sold or disposed of by the Directors at their marketable value.

15. The Company shall have power to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars; and any such promissory note made or endorsed, and such bill of exchange drawn, accepted or endorsed by the President or Vice-President of the Company and countersigned by the Secretary and Treasurer, and under the authority of a majority of a quorum of the Directors, shall be binding on the Company: and every such promissory note or bill of exchange made, drawn, accepted or endorsed by the President or Vice-President of the said Company and countersigned by the Secretary and Treasurer, as such, shall be presumed to have been properly made, drawn, accepted or endorsed, as the case may be, for the Company until the contrary be shown; and in no case shall it be necessary to have the seal of the Company affixed to any such bill of exchange or promissory note; nor shall the President, Vice-President or Secretary and Treasurer of the Company so making, drawing, accepting or endorsing any such promissory note or bill of exchange be thereby subjected individually to any liability whatever; Provided always nothing in this section shall be construed to authorize the said Company to issue any note payable to bearer or any promissory note intended to be circulated as money or as the notes of a bank.

Company may become parties to promissory notes.

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16. The said Company shall not commence the said bridge or tunnel, or any work thereunto appertaining, until the Company shall have submitted to the Governor in Council plans of such bridge or tunnel and of all the intended works thereunto appertaining, nor until such plans and the site of such bridge or tunnel shall have been approved by the Governor in Council, and such conditions as he shall have thought fit for the public good to impose touching the said bridge or tunnel and works shall have been complied with; nor shall any such plan be altered nor any deviation therefrom allowed, except by the permission of the Governor in Council, and upon such conditions as he shall impose: Provided always that if a bridge is found more suitable than a tunnel, such bridge shall be constructed so as not materially to obstruct the navigation of the River St. Clair; and the said bridge shall have two draws in the main channel of the river, which said draws shall each be of the width of one hundred and sixty feet, and shall otherwise give free and unobstructed passage to vessels of every description navigating the said river; and the said draws shall at all times during the season of navigation be kept open, except when actually required to be closed for the passage of railway trains, and shall otherwise be tended and moved at the expense of the said Company, so as not to hinder unnecessarily the passage of any vessels; from sundown until sunrise during the season of navigation, suitable lights shall be maintained upon the said bridge

Plans to be submitted to the Governor for approval.

Provido: if bridge be decided on.

Draws.

Lights.

Steam tug. bridge to guide vessels approaching the said draws ; and for assisting the passage of any vessel through the said draws, the said Company shall at all times keep in readiness a steam tug suitable for towing the said vessels through the said draws, and shall tow all the said vessels through the said draws respectively, whenever requested so to do by the officers of such vessels without charge ; and the said Company shall be liable to pay the owners of any vessel, or the cargoes or freight thereof, all damages they may respectively sustain by reason of any neglect of any of the foregoing provisions, and the use of the said bridge shall be subject to such regulations as shall be from time to time approved of by the Governor in Council.

Damages for neglect.

Regulations.

Lights to be kept up during the construction of the Bridge.

Proviso : for consent of Governor to commencement of works.

Provision in case more land than it is required to keep has to be purchased.

Company may sell the same.

Agreements with Railway Companies for lease of bridge or tunnel.

17. It shall be the duty of the said Company, during the construction of such bridge to put up and maintain, in the night time during the season of navigation, a good and sufficient light at each end of any coffer-dam or pier, which may be erected by the said Company (the said light to be placed at least five feet above the said dam or pier) and also such buoys during both day and night, as may be necessary for the guidance of persons navigating the said river ; Provided always that before commencing the works of the said bridge or tunnel, or taking possession of any part of the beach or land covered with water or other property of the Crown, the Company shall obtain the consent of the Governor in Council, who may impose such terms and conditions as he shall think proper before granting permission to commence the works or take possession of any property of the Crown as aforesaid ; and provided also that the navigation of such river shall not be unnecessarily obstructed by such works.

18. Whenever it shall become necessary, for the purpose of procuring sufficient lands for stations or gravel pits, or other purposes, for constructing, maintaining, and using the said bridge or Tunnel, to purchase more land than is required for such stations or gravel pits or other purposes, the said Company may purchase, hold, use or enjoy, such lands and also the right of way thereto (if the same be separated from their bridge or tunnel) in such manner, and for such purposes connected with the construction, maintenance or use of the said bridge or tunnel, as they may deem expedient ; and shall sell and convey the same, or parts thereof, not permanently required for the use of the bridge.

19. It shall be lawful for the said Company to enter into any agreement with any Railway or Railroad Company or Companies in the Dominion of Canada, or in the United States of America, for leasing the said bridge or tunnel, or the use thereof at any time or times, or for any period to such Railway or Railroad Company or Companies ; or for leasing or hiring from

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from such Company or Companies any railway or railroad or part thereof or the use thereof; or for the leasing or hiring any locomotives, tenders, or moveable property; and generally to make any agreement or agreements with any such Company or such Companies touching the use by one or the other, or others, of the bridge or tunnel, or Railway or Railways, or railroad, or railroads, or moveable property of either, or of any of them, or any part thereof, or touching any service to be rendered by the one Company to the other or others, and the compensation therefor; and any such railway or railroad Company or Companies may agree for the loan of its credit to, or may subscribe to and become the owner of the stock of the Company hereby created, in like manner and with like rights as individuals; and any such agreement shall be valid and binding, and shall be enforced by courts of law according to the terms and tenor thereof: and any Company accepting and executing such lease shall be and is empowered to exercise all the rights and privileges in this charter conferred.

20. When the said Railway bridge or tunnel is completed and ready for traffic, all trains of all Railways or Railroads terminating at or near said bridge or tunnel or in the State of Michigan at or near some point opposite the said bridge or tunnel, and now constructed or hereafter to be constructed, (including the cars of any other Railway Company which may be brought over such Railways), shall have the right to pass over the said bridge or through said tunnel, at corresponding tariff rates for the persons and property transported, so that no discrimination in tariff rates for such transportation shall be made in favour of or against any Railway or Railroad whose trains or business pass over the said bridge or through said tunnel.

All railway trains to be entitled to cross without preference.

21. In case of any disagreement and as often as the same may arise, as to the rights of any Railroad or Railway whose trains or business shall pass through or over the said work hereby authorized to be constructed, or the tariff rates to be charged in respect thereof, the same shall be determined by arbitrators, one to be appointed by the Company hereby incorporated, and another by the Company with whom the disagreement shall have arisen, and a third, (who shall be some person experienced in railway affairs), by one of the superior courts of the Province of Ontario, upon application to such court, due notice thereof having been given to the parties interested; and the award of the said arbitrators, or a majority of them, shall be final: Provided that the terms of the said award shall not bind for a longer term than five years.

Arbitration in case of disagreement.

Provido,

22. It shall be lawful for the said Company to unite, amalgamate and consolidate its stock, property and franchises with the

Power of company to amalgamate with the

another or
others.

the stock, property and franchises of any other company incorporated or which may be incorporated by the laws of the State of Michigan, one of the United States of America, for a similar purpose with this Company, and to enter into all contracts and agreements therewith necessary to such union and amalgamation—and which said Company shall be by the laws of the State of Michigan authorized to enter into such amalgamation or consolidation.

Proceedings
in such case.

23. The Directors of the Company hereby incorporated and of any corporation proposing to so amalgamate or consolidate as aforesaid, may enter into a joint agreement in duplicate under the corporate seal of each of the said corporations, for the amalgamation and consolidation of the said corporations,—prescribing the terms and conditions thereof, the mode of carrying the same into effect; the name of the new corporation, the number and names of the Directors and other officers thereof, and who shall be the first Directors and officers thereof, and their places of residence; the number of shares of the capital stock, the amount or par value of each share, and the manner of converting the capital stock of each of the said corporations into that of the new corporation; and how and when and for how long; Directors or other officers of such new corporation shall be elected, and when elections shall be held; with such other details as they shall deem necessary to perfect such new organization and the consolidation and amalgamation of the said corporations, and the after management and working thereof; and such new corporation shall have power to consolidate or unite with either or any of the lines of railway, having powers of consolidation or union, connecting with the said bridge or tunnel, by the same means and to the same ends as the same may be consolidated by this Act.

Agreement to
be submitted
to stockholders
for approval.

24. Such agreement shall be submitted to the stockholders of each of the said corporations at a meeting thereof, to be held separately for the purpose of taking the same into consideration; notice of the time and place of such meetings, and the object thereof, shall be given by written or printed notices addressed to each of the persons, in whose names at the time of giving such notice the capital stock of such corporations shall stand on the books of such corporations, and delivered to such persons, respectively, or addressed to them by mail at their last known post office address or place of residence; and also by a general notice to be published in a newspaper published in the County of Lambton, and in the City of Detroit, once a week for two successive weeks. At such meetings of stockholders such agreement shall be considered, and a vote by ballot taken for the adoption or rejection of the same, each share entitling the holder thereof to one vote; and the said ballots to be cast in person or by proxy; and if two-thirds of the votes of all the stockholders

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stockholders of such corporations shall be for the adoption of such agreement, then that fact shall be certified upon each of the said duplicates by the secretary of each of such corporations under the corporate seals thereof; and if the said agreement shall be so adopted at the respective meetings of the stockholders of each of the said corporations, one of the duplicates of the agreement so adopted and of the said certificates thereon shall be filed in the office of the Secretary of State for the Dominion of Canada, and the other in the office of the Secretary of State for the State of Michigan; and the said agreement shall from thence be taken and deemed to be the agreement and act of consolidation and amalgamation of the Company and of such other corporation; and a copy of such agreement so filed, and of the certificates thereon, properly certified, shall be evidence of the existence of such new corporation.

25. Upon the making and perfecting of the said agreement and act of consolidation as provided in the next preceding section, and the filing of the said agreement as in the said section provided, the several corporations, parties thereto, shall be deemed and taken to be consolidated, and to form one corporation by the name in the said agreement provided, with a common seal; and shall possess all the rights, powers, privileges and franchises, and be subject to all the disabilities and duties of each of such corporations so consolidated and united except as herein provided.

When amalgamation shall be deemed complete.

26. Upon the consummation of such act of consolidation as aforesaid, all and singular the property, real, personal and mixed, and all rights and interests appurtenant thereto, all stock, subscriptions and other debts due on whatever account, and other things in action belonging to such corporations, or either of them, shall be taken and deemed to be transferred to, and vested in such new corporation, without further act or deed: Provided, however, that all rights of creditors and all liens upon the property of either of such corporations, shall be unimpaired by such consolidation; and all debts, liabilities, and duties of either of the said corporations shall thenceforth attach to the new corporation, and be enforced against it to the same extent as if the said debts, liabilities, and duties had been incurred or contracted by it: And provided also, that no action or proceeding, legal or equitable, by or against the said corporation so consolidated, or either of them, shall abate or be affected by such consolidation, but for all the purposes of such action or proceeding such corporation may be deemed still to exist, or the new corporation may be substituted in such action or proceeding in the place thereof.

Property to be vested in the new corporation.

Proviso.

Proviso.

27. The said new corporation shall have power from time to time, to borrow such sums of money as may be necessary for

New corporation may borrow money.

for constructing and completing the work hereby authorized, and for the acquiring of the necessary real estate for the site thereof and approaches thereto, and to mortgage its corporate property and franchises to secure payment thereof; but the principal of the mortgage debt of such corporation shall not at any time exceed the sum of one million two hundred thousand dollars.

Votes.

28. At all meetings of the stockholders of the Company hereby incorporated, each stockholder shall be entitled to cast one vote for each share of stock held by him, and to vote either in person or by proxy; and the Directors of the said Company may also, at any meeting of the Board, vote by proxy, such proxy to be held by another Director: Provided that no more than two proxies be held by one Director, of the other Directors, and not less than four Directors shall be present in person at any meeting of the Board of Directors for the transaction of business.

Proxies.

Proviso.

Time for commencing and completing work limited.

29. One hundred thousand dollars of the stock of the said Company shall be paid within two years; and the works shall be commenced within two years and completed within six years from the passing of this Act.

Act to come into force by Proclamation when certain things are done and not before.

30. This Act shall have no force or effect until duly certified copies of any Act passed by the Legislature of the State of Michigan, incorporating any Company for objects similar to those contemplated by this Act, and of any Act of Congress of the United States conferring necessary powers in respect of the same, are filed in the Department of the Secretary of State for Canada: upon which the Governor in Council may by Proclamation order that from and after a day to be mentioned therein, this Act shall be of full force and effect; and this Act shall accordingly thenceforth have full force and effect.

36 VICTORIA, CAP. LXXXIX.

An Act to amend the Act incorporating the Detroit River Railway Bridge Company, and to change the name of the Company to "The Detroit River Railway Bridge and Tunnel Company."

[Assented to 23rd May, 1873.]

WHEREAS Milton Courtwright and other provisional directors of the Detroit River Railway Bridge Company have petitioned for such an amendment to their Act of incorporation

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poration as to empower them at their option to construct a bridge across or a tunnel under the River Detroit,—and for an increase of their capital stock, and also for other amendments to the said Act, and it is expedient to grant the prayer of the said petition : Therefore Her Majesty, by and with the advice and consent of the Senate and the House of Commons of Canada, enacts as follows :—

1. Section thirty of the Act passed in the thirty-fifth year of Her Majesty's reign, chaptered ninety-one, intituled, "*An Act to incorporate The Detroit River Railway Bridge Company,*" is hereby repealed.

2. The name of the Company incorporated by the said Act is hereby changed to "*The Detroit River Railway Bridge and Tunnel Company.*"

3. The said Company shall have power, at their option, to construct, maintain, work, and manage, a railway bridge across or a tunnel under the River Detroit, as may be found most suitable for railway purposes, at the point mentioned in section four of the said Act.

4. All the provisions and requirements of the said Act concerning the bridge authorized thereby to be constructed, with reference to surveys and plans,—the approval of the site and plans by the Governor in Council,—the running of trains over the same,—agreements with railway companies for leasing the same, or for the use thereof, shall apply to the said tunnel, if constructed, in so far as the same may be properly applicable thereto.

5. If the amount of the capital stock of the Company, including the increase thereof authorized by the ninth section of the said Act, be found insufficient for the purposes of the Company, a further increase may be made under the provisions of "*The Railway Act, 1868.*"

6. If the amount which the Company is authorized to borrow under the fourteenth section of the said Act be found insufficient, a further issue of bonds may be made, under the provisions of "*The Railway Act, 1868.*"

7. The time specified in section twenty-nine of the said Act is hereby extended to two years for the commencement, and six years for the completion, respectively, of the works of the Company, from the passing of this Act.

8. The Company shall have full power and authority to purchase, acquire, take and hold all such lands, lands covered with water,

water, beaches, and other property as may be necessary for the purpose of constructing the said bridge or tunnel, and working the trains in connection therewith, or for the convenient using of the same, and also for the construction and using of such branch railway, not exceeding four miles in length, as may be necessary to make connections or to approach the said bridge or tunnel, and to use any of the public highways for the purpose of constructing and working the same or any of them, with the consent of the Municipal Council having jurisdiction over such highway.

9. If the Company build a railway bridge instead of a tunnel, they shall have power to construct as part of or in connection with the same, a passage floor or way for horses, carriages and foot passengers, and they may make the same either during the construction of the said railway bridge or at any time after the completion thereof, and in the event of their electing to construct such foot bridge, they may make, amend, repeal, re-enact and enforce all such by-laws, rules and regulations as shall seem to them proper and necessary, as to the management, control and use thereof, and as to the tolls and fares to be received and charged for passing over the same.

36 VICTORIA, CAP. XCII.

An Act to amend the Act incorporating the River St. Clair Railway Bridge and Tunnel Company.

[Assented to 23rd May, 1873.]

WHEREAS Milton Courtright and other provisional directors of the River St. Clair Railway Bridge and Tunnel Company have petitioned for a repeal of the thirtieth section of the Act passed in the thirty-fifth year of Her Majesty's reign, chaptered eighty-seven, intituled, "*An Act to incorporate the River St. Clair Railway Bridge and Tunnel Company*," and for other amendments to the said Act, and it is expedient to grant the prayer of the said petition: Therefore her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. Section thirty of the Act passed in the thirty-fifth year of Her Majesty's reign, chaptered eighty-seven, intituled, "*An Act to incorporate the River St. Clair Railway Bridge and Tunnel Company*" is hereby repealed.

2. Section twenty-nine of the said Act is hereby amended by extending the time for commencing the works of the said Company to two years, and for completing the same to six years, respectively, from the passing of this Act.

3. If the amount of the capital stock of the Company, including the increase thereof authorised by the ninth section of the said Act, be found insufficient for the purposes of the Company, a further increase may be made under the provisions of "*The Railway Act, 1868.*"

4. If the amount which the Company is authorised to borrow under the fourteenth section of the said Act be found insufficient, a further issue of bonds may be made under the provisions of "*The Railway Act, 1868.*"

5. The Company shall have full power and authority to purchase, acquire, take and hold all such lands, lands covered with water, beaches, and other property, as may be necessary for the purpose of constructing the said bridge or tunnel, and working the trains in connection therewith, or for the convenient using of the same, and also for the construction and using of such branch railway, not exceeding four miles in length, as may be necessary to make connections or to approach the said bridge or tunnel, and to use any of the public highways for the purpose of constructing and working the same or any of them, with the consent of the Municipal Council having jurisdiction over such highway.

6. If the Company build a railway bridge instead of a tunnel, they shall have power to construct as part of or in connection with the same, a passage floor or way for horses, carriages and foot passengers, and they may make the same either during the construction of the said railway bridge or at any time after the completion hereof, and in the event of their electing to construct such foot-bridge, they may make, amend, repeal, re-enact and enforce all such by-laws, rules and regulations as shall seem to them proper and necessary, as to the management, control and use thereof, and as to the tolls and fares to be received and charged for passing over the same.

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31 VICTORIA, CAP. LXVIII.

An Act respecting Railways.

[Assented to 22nd May, 1868.]

Preamble.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :

Short title.

1. In citing this Act, it shall be sufficient to use the expression “*The Railway Act, 1868.*”

1. APPLICATION OF ACT.

Application of the several parts of this Act.

2. The provisions of this Act from section five to section twenty-two, both inclusive, being Part First of this Act, shall apply to The Intercolonial Railway to be constructed under the authority of the Act of the Parliament of Canada, passed during the present Session, and intituled: *An Act respecting the construction of the Intercolonial Railway*, so far as they are applicable to the undertaking and in so far as they are not inconsistent with or contrary to the provisions of the said Act respecting it :

The same.

2. The said sections shall also apply to every Railway hereafter to be constructed under the authority of any Act passed by the Parliament of Canada, and shall, so far as they are applicable to the undertaking, and unless they are expressly varied or excepted by the Special Act, be incorporated with the Special Act, form part thereof, and be construed therewith as forming one Act.

How any sections may be excepted from incorporation with any Special Acts.

3. For the purpose of excepting from incorporation with the Special Act any of the sections forming Part First of this Act, it shall be sufficient in the Special Act to enact, that the sections of this Act proposed to be excepted referring to them by the words forming the headings of such sections respectively shall not be incorporated with such Act, and the Special Act shall thereupon be construed accordingly.

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4. The remaining provisions of this Act, being Part Second, shall apply to the Intercolonial Railway, in so far as they are not varied by, or inconsistent with the Special Act respecting it, to all Railways now in course of construction by the Government of Canada, and the property of the Dominion of Canada, in so far as they are not inconsistent with any Special Act respecting them, and to all Railways which may be hereafter constructed under the authority of any Special Act passed by the Parliament of Canada, and to all Companies hereafter incorporated for their construction and working.

To what Railways the other provisions of this Act shall apply.

PART FIRST.

INTERPRETATION.

5. 1. The expression "The Special Act," used in this Act, shall be construed to mean any Act authorizing the construction of a Railway, with which this Act is incorporated;

Interpretation of words "The Special Act."

2. The word "prescribed," used in this Act in reference to any matter herein stated, shall be construed to refer to such matter, as the same is prescribed or provided for in the Special Act; and the sentence in which such word occurs shall be construed as if, instead of the word "prescribed," the expression "prescribed for that purpose in the Special Act" had been used;

"Prescribed."

3. The expression "the lands" shall mean the lands which by the Special Act are authorized to be taken or used for the purpose thereof;

"The Lands."

4. The expression "the undertaking" shall mean the Railway and works, of whatever description, by the Special Act authorized to be executed;

"The undertaking."

5. The following words and expressions, both in this and the Special Act, shall have the meanings hereby assigned to them, unless there is something in the subject or context repugnant to such construction, that is to say;

In this and the Special Act.

6. The word "Lands" shall include all real estate, messuages, lands, tenements and hereditaments of any tenure;

"Lands."

7. The word "Lease" shall include any agreement for a lease;

"Lease."

8. The word "Toll" shall include any rate or charge or other payment payable under this Act or the Special Act for any passenger, animal, carriage, goods, merchandise, matters or things conveyed on the Railway;

9.

- "Goods." 9. The word "Goods" shall include things of every kind that may be conveyed upon the Railway, or upon Steam or other vessels connected therewith;
- "County." 10. The word "County" shall include any union of Counties, County, Riding, or like division of a County in any Province, or any division thereof into separate Municipalities in the Province of Quebec;
- "Highways." 11. The word "Highways" shall mean all public roads, streets, lanes, and other public ways and communications;
- "Sheriff." 12. The word "Sheriff" shall include Under Sheriff, or other legal competent Deputy; and where any matter in relation to any lands is required to be done by any Sheriff or Clerk of the Peace, the expression "the Sheriff," or the expression "Clerk of the Peace," shall in such case be construed to mean the Sheriff or Clerk of the Peace of the District, County, Riding, Division, or place where such lands are situate; and if the lands in question, being the property of one and the same party be situate not wholly in one District, County, Riding, Division, or place, the same expression shall be construed to mean the Sheriff or Clerk of the Peace of any such District, County, Riding, Division or place where any part of such lands are situate;
- "Justice." 13. The word "Justice" shall mean a Justice of the Peace acting for the District, County, Riding, Division, City or place where the matter requiring the cognizance of a Justice arises, and who is not interested in the matter; and where the matter arises in respect of lands being the property of one and the same party, situate not wholly in any one District, County, Riding, Division, City, or place, the word "Justice" shall mean a Justice acting for the District, County, Riding, Division, City or place where any part of such lands are situate, and who is not interested in such matter; and where any matter is authorized or required to be done by two Justices, the expression "two Justices" shall be understood to mean two Justices assembled and acting together;
- "Two Justices." 14. The word "owner," where, under the provisions of this Act or the Special Act, any notice is required to be given to the owner of any lands, or where any act is authorized or required to be done with the consent of the owner, shall be understood to mean any Corporation or person who, under the provisions of this Act, or the Special Act, or any Act incorporated therewith, would be enabled to sell and convey lands to the Company;

15. The expression "the Company" shall mean the Company "The Company" or party authorized by the Special Act to construct the Railway;

16. The expression "the Railway" shall mean the Railway "The Railway" and works by the Special Act authorized to be constructed.

INCORPORATION.

6. Every Company established under any Special Act shall be a body corporate under the name declared in the Special Act, and shall be vested with all the powers, privileges and immunities necessary to carry into effect the intentions and objects of this Act and of the Special Act therefor, and which are incident to such Corporation, or are expressed or included in "the Interpretation Act."

Companies established under Special Acts, declared to be bodies corporate, &c.

POWERS.

7. The Company shall have power and authority :

Powers.

1. To receive, hold and take all voluntary grants and donations of land or other property made to it, to aid in the construction, maintenance and accommodation of the Railway, but the same shall be held and used for the purpose of such grants or donations only ;

To receive grants of land, &c.

To purchase, hold and take of any Corporation or person any land or other property necessary for the construction, maintenance, accommodation and use of the Railway, and also to alienate, sell or dispose of the same ;

Purchase of land.

3. No Railway Company shall take possession of, use or occupy any lands vested in Her Majesty, without the consent of the Governor in Council ; but with such consent any such Company may take and appropriate for the use of their Railway and works, but not alienate, so much of the wild lands of the Crown lying on the route of the Railway, as have not been granted or sold, and as may be necessary for such Railway, as also so much of the public beach or of the land covered with the waters of any lake, river, stream or canal, or of their respective beds, as is necessary for making and completing and using their said Railway and Works, subject, however, to the exceptions contained in the next following sub-section ;

Occupy Public lands, beaches, &c., with consent of the Crown.

4. Whenever it is necessary for the Company to occupy any part of the lands belonging to the Queen, reserved for Naval or Military purposes, they shall first apply for and obtain the license and consent of Her Majesty, under the Hand and Seal of the Governor, and having obtained such license and consent, they

As to lands belonging to Her Majesty, &c.

they may at any time or times enter into and enjoy any of the said lands for the purposes of the Railway ; but in the case of any such Naval or Military Reserves, no such license or consent shall be given except upon a Report first made thereupon by the Naval or Military authorities in which such lands are for the time being vested, approving of such license and consent being so given ;

Power to carry
Railway
across lands
of Corpora-
tions, and
others.

5. The Company shall have power and authority to make, carry or place the Railway across or upon the lands of any Corporation or person on the line of the Railway, or within the distance from such line stated in the Special Act, although through error or other cause, the name of such party has not been entered in the Book of Reference hereinbefore mentioned, or although some other party has been erroneously mentioned as the owner of or entitled to convey, or is interested in such lands ;

And across or
along streams,
&c.

6. To construct, maintain and work the Railway across along, or upon any stream of water, water course, canal, highway or railway which it intersects or touches ; but the stream, water course, highway, canal or railway so intersected or touched, shall be restored by the Company to its former state, or to such state as not to impair its usefulness ;

To complete
Railway with
one or more
tracks, &c.

7. To make, complete, alter and keep in repair the Railway with one or more sets of rails or tracks to be worked by the force and power of steam, or of the atmosphere, or of animals, or by mechanical power, or by any combination of them ;

Erect neces-
sary buildings,
wharves, &c.

8. To erect and maintain all necessary and convenient buildings, stations, depôts, wharves and fixtures, and from time to time to alter, repair or enlarge the same, and to purchase and acquire stationery or locomotive engines and carriages, waggons, floats, and other machinery necessary for the accommodation and use of the passengers, freight and business of the Railway ;

Branch Rail-
ways.

9. To make branch Railways, if required and provided by the Special Act, and to manage the same, and for that purpose to exercise all the powers, privileges and authorities necessary therefor, in as full and ample a manner as for the Railway ;

All other
matters and
things neces-
sary for Rail-
way.

10. To construct, and make all other matters and things necessary and convenient for the making, extending and using of the Railway, in pursuance of this Act, and of the Special Act ;

To convey per-
sons and goods
on Railway ;

11. To take, transport, carry and convey persons and goods on the Railway, to regulate the time and manner in which the same

same shall be transported, and the tolls and compensation to be paid therefor, and to receive such tolls and compensation ;

12. To borrow from time to time, either in Canada or elsewhere, such sums of money as may be expedient for completing, maintaining or working the Railway, and at a rate of interest not exceeding eight per cent. per annum, and to make the Bonds, Debentures or other securities granted for the sums so borrowed, payable either in currency or in sterling, and at such place or places within Canada or without as may be deemed advisable, and to sell the same at such prices or discount as may be deemed expedient, or be necessary, and to hypothecate, mortgage or pledge the lands, tolls, revenues and other properties of the Company for the due payment of the said sums and the interest thereon, but no such debenture shall be for a less sum than one hundred dollars ;

Borrow money, &c.

To issue bonds, debentures, &c.

13. To enter into and upon any lands of Her Majesty without previous license therefor, or into and upon the lands of any Corporation or person whatsoever lying in the intended route or line of the Railway ; and to make surveys, examinations, or other necessary arrangements on such lands necessary for fixing the site of the Railway, and to set out and ascertain such parts of the lands as are necessary and proper for the Railway ;

To enter upon lands, &c.

To make surveys of lands ;

14. To fell or remove any trees standing in any woods, lands or forests, where the Railway passes, to the distance of six rods from either side thereof ;

To remove trees ;

15. To cross, intersect, join and unite the Railway with any other Railway at any point on its route, and upon the lands of such other Railway, with the necessary conveniences for the purposes of such connection ; and the owners of both Railways may unite in forming such intersection, and grant the facilities therefor ; and in case of disagreement upon the amount of compensation to be made therefor, or upon the point or manner of such crossing and connection, the same shall be determined by Arbitrators to be appointed by a Judge of one of the Superior Courts in the Province in which the point of junction or intersection is situated ;

To cross or unite with other Railways.

16. But no Railway Company shall avail itself of any of the powers contained in the next preceding sub-section without application to the Railway Committee, constituted by the twenty-third section of this Act, for approval, of the mode of crossing, union or intersection proposed ; of which application, notice in writing shall be given to any other Railway affected, by sending the same by mail or otherwise, to the address of the President,

But not without application to the Railway Committee under sect. 23.

President, Superintendent, Managing Director or Secretary of any such Railway Company, and when such approval has been obtained, it shall be lawful for either Railway, in case of disagreement as to the amount to be paid for compensation, to proceed for the determination of such compensation as provided in the said sub-section;

Any Railway Company may construct branch Railways on certain conditions.

17. Any Railway Company may construct a branch or branches not exceeding six miles in length from any terminus or station of their Railway, whenever a By-law sanctioning the same has been passed by the Municipal Council of the Municipality within the limits of which such proposed branch is situate, and no such branch shall, as to the quality and construction of the road, be subject to any of the restrictions contained in the Special Act or in this Act, nor shall any thing in either of the said Acts authorize the Company to take for such branch any lands belonging to any party without the consent of such party first obtained;

Changes may be made in the line of a Railway at any time for certain purposes.

18. Any Railway Company desiring at any time to change the location of its line of Railway in any particular part for the purpose of lessening a curve, reducing a gradient, or otherwise benefiting such line of Railway, or for any other purpose of public advantage, may make such change; and all and every the clauses of this Act shall refer as fully to the part of such line of Railway so at any time changed or proposed to be changed as to the original line; but no Railway Company shall have any right to extend its line of Railway beyond the termini mentioned in the Special Act;

Stock may be increased: how and on what conditions.

19. The original Capital Stock of any Railway Company may be increased from time to time to any amount, but such increase must be sanctioned by a vote in person or by proxy, of at least two-thirds in amount of all the Shareholders, at a meeting expressly called by the Directors for that purpose, by a notice in writing to each Shareholder, served on him personally, or properly directed to him, and deposited in the Post Office, at least twenty days previous to such meeting, stating the time and place and object of the meeting, and the amount of increase; and the proceedings of such meeting must be entered on the minutes of the proceedings, and thereupon the Capital Stock may be increased to the amount sanctioned by such a vote.

PLANS AND SURVEYS.

Provision respecting surveys and plans.

S. Plans and Surveys shall be made and corrected as follows:

Map and Book of Reference, contents.

1. Surveys and levels shall be taken and made of the lands through which the Railway is to pass, together with a Map or Plan

Plan thereof, and of its course and direction, and of the lands intended to be passed over and taken therefor, so far as then ascertained, and also a Book of Reference for the Railway, in which shall be set forth—

- a. A general description of the said lands;
- b. The names of the owners and occupiers thereof, so far as they can be ascertained; and,
- c. Everything necessary for the right understanding of such Map or Plan;

2. The Map or Plan and Book of Reference shall be examined and certified by the Minister of Public Works or his deputy, and a duplicate thereof, so examined and certified, shall be deposited in the office of the Department of Public Works, and the Company shall be bound to furnish copies of such Map or Plan and Book of Reference or of such parts thereof as relate to each District or County through which the railway is to pass, to be deposited in the offices of the Clerks of the Peace for such Districts or Counties respectively.

To be examined, certified and copies deposited.

3. Any person may resort to such copies, and make extracts or copies thereof, as occasion requires, paying to the Clerks of the Peace, at the rate of ten cents for every hundred words;

Access to Copies.

4. Such Map or Plan and Book of Reference so certified, or a true copy thereof certified by the Minister of Public Works, or by the Clerks of the Peace, shall be good evidence in any Court of Law and elsewhere;

Certified copies to be evidence.

5. Any omission, misstatement or erroneous description of such lands, or of the owners or occupiers thereof, in any Map or Plan or Book of Reference, may, after giving ten days' notice to the owners of such lands, be corrected by two Justices on application made to them for that purpose, and if it appears to them that such omission, misstatement or erroneous description arose from mistake, the Justices shall certify the same accordingly;

Omissions or errors how remedied.

6. The certificate shall state the particulars of any such omission, and the manner thereof, and shall be deposited with the Clerks of the Peace of the Districts or Counties respectively in which such lands are situate, and be kept by them along with the other documents to which they relate; and thereupon such Map or Plan or Book of Reference shall be deemed to be corrected according to such certificate; and the Company may make the Railway in accordance with the certificate;

Certificate relating thereto.

Alterations
from original
survey.

7. If any alterations from the original Plan or Survey are intended to be made in the line or course of the Railway, a Plan and Section of such alterations as have been approved of by Parliament, on the same scale and containing the same particulars as the original Plan and Survey, shall be deposited in the same manner as the original Plan, and copies or extracts of such Plan and Section so far as they relate to the several Districts or Counties, in or through which such alterations have been authorized to be made, shall be deposited with the Clerks of the Peace of such Districts and Counties ;

Railway not
to be pro-
ceeded with
until map, &c.
deposited.

8. Until such original Map or Plan or Book of Reference, or the plans and sections of the alterations, have been so deposited, the execution of the Railway, or of the part thereof affected by the alterations, as the case may be, shall not be proceeded with ;

Clerks of the
Peace to re-
tain copies of
original plan,
&c.

9. The Clerks of the Peace shall receive and retain the copies of the original Plans and Surveys, and copies of the Plans and Sections of alterations, and copies and extracts thereof respectively, and shall permit all persons interested to inspect any of the documents aforesaid, and to make copies and extracts of and from the same, under a penalty for each default of four dollars ;

Copies of ex-
tracts.

Copies certi-
fied by Clerk
to be good
evidence in
Courts.

10. The copies of the Maps, Plans and Books of Reference, or of any alteration or correction thereof, or extracts therefrom, certified by the Clerk of the Peace, shall be received in all Courts of Justice or elsewhere as good evidence of the contents thereof, and the Clerk of the Peace shall give such certificate to all parties interested when required ;

Line not to
deviate more
than a mile
from Plan.

11. No deviation of more than one mile from the line of the Railway or from the places assigned thereto in the said Map or Plan and Book of Reference or Plans or Sections, shall be made into, through, across, under or over any part of the lands not shewn in such Map or Plan and Book of Reference, or Plans or Sections, or within one mile of the said line and place, save in such instances as are provided for in the Special Act ;

As to errors in
the name of
a person en-
tered in a
Book of Re-
ference.

12. The Railway may be carried across or upon the lands of any person on the line, or within the distance from such line as aforesaid, although the name of such person has not been entered in the Book of Reference through error or any other cause, or though some other person is erroneously mentioned as the owner of or entitled to convey, or is interested in such lands ;

Map, &c., of
Railway to be
filed in the
Board of
Works' Office.

13. A Map and Profile of the completed Railway and of the land taken or obtained for the use thereof, shall, within six months after completion of the undertaking, be made and filed
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in the office of the Minister of Public Works, and like maps of the parts thereof, located in different Districts and Counties, shall be filed in the Registry Offices for the Districts and Counties in which such parts are respectively situate; and any Company failing or neglecting to furnish such map within the said period, shall incur a penalty of two hundred dollars, and a like penalty for each and every month such failure or neglect shall continue, recoverable in Her Majesty's name in any Court of competent jurisdiction;

14. Every such map shall be drawn on such a scale, and on such paper, as may from time to time be designated for that purpose by the Minister of Public Works, and shall be certified and signed by the President or Engineer of the Corporation. On what scale and paper to be drawn.

LANDS AND THEIR VALUATION.

9. The lands which may be taken without the consent of the proprietor thereof, shall not exceed thirty-three yards in breadth, except in places where the Railway is raised more than five feet higher, or cut more than five feet deeper than the surface of the line, or where offsets are established, or where stations, depots or fixtures are intended to be erected, or goods to be delivered, and then not more than two hundred and fifty yards in length by one hundred and fifty yards in breadth, without the consent of the person authorized to convey such lands; and the places at which such extra breadth is to be taken shall be shewn on the Map or Plan, or Plans or Sections, so far as the same may be then ascertained, but their not being so shewn shall not prevent such extra breadth from being taken, provided it be taken upon the line shewn or within the distance aforesaid from such line; Extent of lands to be taken without consent of proprietor. Extra breadth for depots.

2. The extent of the public beach, or of the land covered with the waters of any river or lake in Canada, taken for the Railway, shall not exceed the quantity limited in the next preceding sub-section; Extent of public beach to be taken.

3. All Corporations and persons whatever, tenants in tail or for life, *grevés de substitution*, guardians, curators, executors, administrators, and all other trustees whatsoever; not only for and on behalf of themselves, their heirs and successors, but also for and on behalf of those whom they represent, whether infants, issue unborn, lunatics, *femes-covert*, or other persons, seized, possessed of, or interested in any lands, may contract, sell or convey unto the Company all or any part thereof; Corporations, &c., may convey lands to Company.

4. But the powers by the next preceding sub-section conferred upon Rectors in possession of Glebe lands in the Province of Ontario, Limitation of powers in certain cases.

Ontario, Ecclesiastical and other Corporations, Trustees of Land for Church and School purposes, or either, Executors appointed by Wills in which they are not invested with any power over the real estate of the Testator. Administrators of persons dying intestate, but at their death seized of real estate, shall only extend and be exercised with respect to any of such lands actually required for the use and occupation of any Railway Company ;

Effect of sale under preceding sub-section. 5. Any contract, agreement, sale, conveyance and assurance so made, under the two preceding sub-sections, shall be valid and effectual in law to all intents and purposes whatsoever, and shall vest in the Railway Company receiving the same, the fee simple in the lands in the deed described, freed and discharged from all trusts, restrictions and limitations whatsoever ; and the Corporation or person so conveying, is hereby indemnified for what it or he respectively does by virtue of or in pursuance of this Act ;

Disposition of purchase money. 6. The Company shall not be responsible for the disposition of any purchase money for lands taken by them for their purposes, if paid to the owner of the land, or into Court for his benefit, as hereinafter provided ;

Effect of contracts made before deposit of map. 7. Any contract or agreement made by any party authorized by this Act to convey lands, and made before the deposit of the Map or Plan and Book of Reference, and before the setting out and ascertaining of the lands required for the Railway, shall be binding at the price agreed upon for the same lands, if they are afterwards so set out and ascertained within one year from the date of the contract or agreement, and although such land may, in the meantime, have become the property of a third party ; and possession of the land may be taken and the agreement and price may be dealt with, as if such price had been fixed by an award of Arbitrators as hereinafter provided, and the agreement shall be in the place of an award ;

Corporations who cannot sell, may agree upon a fixed rent. 8. All Corporations or persons who cannot in common course of law sell or alienate any lands so set out and ascertained, shall agree upon a fixed annual rent as an equivalent, and not upon a principal sum, to be paid for the lands ; and if the amount of the rent is not fixed by voluntary agreement or compromise, it shall be fixed and all proceedings shall be regulated in the manner herein prescribed ; and for the payment of the said annual rent, and every other annual rent agreed upon or ascertained, and to be paid for the purchase of any lands, or for any part of the purchase money of any lands, which the vendor agrees to leave unpaid, the Railway and the tolls thereon shall be liable and chargeable in preference to all other claims and demands thereon whatsoever, the deed creating such charge and

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and liability being duly registered in the Registry Office of the proper District, County, or Registration Division ;

9. Whenever there is more than one party proprietor of any land as joint tenant or tenants in common, or *par indivis*, any contract or agreement made in good faith with any party or parties proprietor or being together proprietors of one third or more of such land, as to the amount of compensation for the same or for any damages thereto, shall be binding as between the remaining proprietor or proprietors as joint tenants or tenants in common, and *par indivis* ; and the proprietor or proprietors who have so agreed, may deliver possession of such land, or empower the entry upon the same, as the case may be ;

As to proprietors *par indivis*.

10. After one month from the deposit of the Map or Plan and Book of Reference, and from notice thereof in at least one newspaper, if there be any, published in each of the Districts and Counties through which the Railway is intended to pass, application may be made to the owners of lands or to parties empowered to convey lands, or interested in lands which may suffer damage from the taking of materials or the exercise of any of the powers granted for the Railway, and thereupon, agreements and contracts may be made with such parties touching the said lands or the compensation to be paid for the same, or for the damages, or as to the mode in which such compensation shall be ascertained, as may seem expedient to both parties, and in case of disagreement between them, or any of them, then all questions which arise between them shall be settled as follows, that is to say :

After one month's notice of deposit of map, &c., application to the owner of lands.

11. The deposit of a Map or Plan and Book of Reference, and the notice of such deposit, shall be deemed a general notice to all the parties, of the lands which will be required for the Railway and works ;

Deposit of plan, &c., to be general notice.

12. The notice served upon the party shall contain :

Notice to opposite party; and what it must contain.

a. A description of the lands to be taken, or of the powers intended to be exercised with regard to any lands, describing them ;

b. A declaration of readiness to pay some certain sum or rent, as the case may be, as compensation for such lands or for such damages : and,

c. The name of a person to be appointed as the Arbitrator of the Company, if their offer be not accepted; and such notice shall be accompanied by the certificate of a sworn Surveyor for the Province in which the lands are situated, disinterested in the matter, and not being the Arbitrator named in the notice :

a.

a. That the land, if the notice relate to the taking of land, shewn on the said Map or Plan, is required for the Railway, or is within the limits of deviation hereby allowed;

b. That he knows the land, or the amount of damage likely to arise from the exercise of the powers; and,

c. That the sum so offered is, in his opinion, a fair compensation for the land, and for the damages as aforesaid;

If the opposite party be absent or unknown; application to a Judge.

13. If the opposite party is absent from the District or County in which the lands lie, or is unknown, then upon application to the Judge of the Superior Court for the District if it be in the Province of Quebec, or to the Judge of the County Court for the County, if it be in either of the Provinces of Ontario or New Brunswick, or to a Judge of the Supreme Court if it be in the Province of Nova Scotia, accompanied by such certificate as aforesaid, and by an affidavit of some officer of the Company that the opposite party is so absent, or that, after diligent enquiry, the party on whom the notice ought to be served cannot be ascertained, the Judge shall order a notice as aforesaid, but without a Certificate, to be inserted three times in the course of one month in some newspaper published in the District or County; or if there be no newspaper published therein, then in a newspaper published in some adjacent District or County;

If County Judge be interested.

14 Whenever any County Judge is interested in any lands taken or required by the Company within the County in which he is such judge, any judge of any of the Superior Courts in the Province in which the lands are, shall, on the application of the Company, exercise in such case all the powers given by this section to the County Judge in cases in which he is not interested;

Party not accepting the Company's offer, and not appointing an Arbitrator.

15. If within ten days after the service of such notice, or within one month after the first publication thereof, the opposite party does not notify to the Company his acceptance of the sum offered by them, or notify to them the name of a person whom he appoints as Arbitrator, then the Judge shall, on the application of the Company, appoint a Sworn Surveyor, for the Province, as the case may be, to be sole Arbitrator for determining the compensation to be paid as aforesaid;

Appointment of Arbitrators by opposite party; third Arbitrator.

16. If the opposite party within the time aforesaid, notifies to the Company the name of his Arbitrator, then the two Arbitrators shall jointly appoint a third, or if they cannot agree upon a third, then the Minister of Public Works shall, on the application of the party or of the Company (previous notice of, at least, two clear days having been given to the other party), appoint one of the Official Arbitrators to be a third Arbitrator;

17.

17. The Arbitrators or two of them, or the sole Arbitrator being sworn before some Justice of the Peace for the District or County in which the lands lie, faithfully and impartially to perform the duties of their office, shall proceed to ascertain the said compensation in such way as they or he, or a majority of them, deem best, and the award of such Arbitrators, or any two of them, or of the sole Arbitrator, shall be final and conclusive; but no such award shall be made or any official act be done by such majority, except at a meeting held at a time and place of which the other Arbitrator has had at least two clear days' notice, or to which some meeting at which the third Arbitrator was present, had been adjourned; and no notice to either of the parties shall be necessary, but each party shall be held sufficiently notified through the Arbitrator appointed by him, or whose appointment he required;

Duties of Arbitrators.

Award of two to be sufficient.

18. The Arbitrators in deciding on such value or compensation, are authorized and required to take into consideration the increased value that would be given to any lands or grounds through or over which the railway will pass by reason of the passage of the railway through or over the same, or by reason of the construction of the railway, and to set off the increased value that will attach to the said lands or grounds, against the inconvenience, loss or damage that might be suffered or sustained by reason of the Company taking possession of or using the said lands or grounds as aforesaid;

Arbitrators to consider increased value of remaining lands.

19. If in any case where three Arbitrators have been appointed, the sum awarded is not greater than that offered, the cost of the arbitration shall be borne by the opposite party, and be 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 the Judge;

Costs, how paid.

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

Arbitrators may examine on oath.

21. A majority of the Arbitrators at the first meeting after their appointment, or the sole Arbitrator shall fix a day on or before which the award shall be made, and if the same is not made on or before such day, or some other day to which the time for making it has been prolonged, either by the consent of the parties or by resolution of the Arbitrators, then, the sum offered by the company as aforesaid, shall be the compensation to be paid by them;

Time within which award may be made.

Arbitrator
dying, &c.

22. If the sole Arbitrator appointed by the Judge or the Official Arbitrator appointed by the Minister of Public Works, or any Arbitrator appointed by the parties, dies before the award has been made, or is disqualified, or refuses or fails to act within a reasonable time, then, in the case of the sole Arbitrator, the Judge, upon the application of either party, and in the case of the Official Arbitrator, the Minister of Public Works, upon a like application, the Judge or Minister being satisfied by affidavit or otherwise of such death, disqualification, refusal or failure, may appoint another Arbitrator in his place, and in the case of any Arbitrator appointed by the parties the company and party respectively may each appoint an Arbitrator in the place of his Arbitrator so deceased or not acting, but no recommencement or repetition of prior proceedings shall be required in any case ;

Company may
desist paying
costs.

23. Any such notice for lands, as aforesaid, may be desisted from, and new notice given, with regard to the same or other lands, to the same or any other party, but in any such case, the liability to the party first notified for all damages or costs by him incurred in consequence of such first notice and desistment, shall subsist ;

Surveyor or
Arbitrator
not disquali-
fied unless
personally
interested.

24. The surveyor or other person offered or appointed as Valuator or as sole Arbitrator, shall not be disqualified by reason that he is professionally employed by either party, or that he has previously expressed an opinion as to the amount of compensation, or that he is related or of kin to any member of the Company, provided he is not himself personally interested in the amount of the compensation ; and no cause of disqualification shall be urged against any Arbitrator appointed by the Judge after his appointment, but the objection must be made before the appointment, and its validity or invalidity shall be summarily determined by the Judge.

When disqua-
lification must
be urged.

25. 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 the Judge, on the application of either party, after two clear days' notice to the other, and if the cause is determined to be valid, the appointment shall be null, and the party offering the person so adjudged to be disqualified, shall be held not to have appointed an Arbitrator ;

Awards not
avoided for
want of form

26. No award shall be invalidated from any want of form or other technical objection, if the requirements of this Act have been complied with, and if the award state clearly the sum awarded

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;

27. Upon payment or legal tender of the compensation or annual rent so awarded or agreed upon 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 or agreement shall vest in the 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 has been awarded or agreed upon; and if any resistance or forcible opposition be made by any person to their so doing, the Judge may, on proof to his satisfaction of such award or agreement, issue his warrant to the Sheriff of the district or county, or to a Bailiff, as he may deem most suitable, to put the Company in possession, and to put down such resistance or opposition, which the Sheriff or Bailiff, taking with him sufficient assistance, shall accordingly do;

Possession may be taken on payment of tender, &c., of sum awarded.

Warrant of possession.

28. Such warrant may also be granted by any such Judge, without such award or agreement, on affidavit to his satisfaction that the immediate possession of the lands or of the power to do the thing mentioned in the notice, is necessary to carry on some part of the Railway with which the Company are ready forthwith to proceed; and upon the Company giving security to his satisfaction, and in a sum which shall not be less than double the amount mentioned in the notice, to pay or deposit the compensation to be awarded within one month after the making of the award, with interest from the time at which possession is given, and with such costs as may be lawfully payable by the Company;

Security being first given to deposit compensation.

29. The compensation for any lands which might be taken without the consent of the proprietor, shall stand in the stead of such lands; and any claim to or incumbrance upon the said lands, or any portion thereof, shall, as against the Company be converted into claim to the compensation, or to a like proportion thereof, and they shall be responsible accordingly whenever they have paid such compensation, or any part thereof, to a party not entitled to receive the same, saving always their recourse against such party;

When compensation to stand in the place of the land.

30. If the Company has reason to fear any claims or incumbrances, or if any party to whom the compensation or annual rent, or any part thereof is payable, refuses to execute the proper conveyance and guarantee, or if the party entitled to claim the same cannot be found, or is unknown to the Company, or if for any other reason the Company deems it advisable, the Company

As to incumbrances, &c. upon lands, &c., purchased or taken in Ontario, Nova Scotia or New Brunswick.

Company may, if the lands are situated in either of the Provinces of Ontario, Nova Scotia or New Brunswick, pay such compensation into the office of one of the Superior Courts for the Province in which the lands are situated, with the interest thereon for six months, and may deliver to the Clerk of the Court an authentic copy of the conveyance, or of the award or agreement if there be no conveyance, and such award or agreement shall thereafter be deemed to be the title of the Company to the land therein mentioned;

What notice to be published.

31. A notice, in such form and for such time as the court appoints, shall be inserted in some newspaper, if there be any published in the District or County in which the lands are situate, and at the Seat of Government of the Province, which shall state that the title of the Company, that is, the conveyance, agreement or award, is under this Act, and shall call upon all persons entitled to the land, or to any part thereof or representing or being the husbands of any parties so entitled, to file their claims to the compensation, or any part thereof, and all such claims shall be received and adjudged upon by the Court, and the said proceedings shall forever bar all claims to the lands, or any part thereof, including dower, as well as all mortgages or incumbrances upon the same; and the Court shall make such order for the distribution, payment or investment of the compensation, and for the securing of the rights of all parties interested, as to right and justice, and according to the provisions of this Act and the Special Act, and to law, appertain;

By whom costs be paid.

32. The costs of the proceedings, or any part thereof, shall be paid by the Company, or by any other party, as the Court may order;

When interest to be returned to, or paid by the Company.

33. If such order of distribution be obtained in less than six months from the payment of the compensation into Court, 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 is not obtained until after the six months have expired, the Court shall order the Company to pay to the proper claimants the interest for such further period as may be right;

Case in which lands are situate in P. Q. and Company have reason to fear incumbrances provided for.

34. If the lands so taken are situate in the Province of Quebec, and if the Company 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, is payable, refuses to execute the proper conveyance and guarantee, or if the party entitled to claim the compensation or rent cannot be found, or is unknown to the Company, or if for other reason the Company deems it advisable, the Company may

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may pay such compensation into the hands of the Prothonotary of the Superior Court for the District in which the land is situate, with the interest thereon for six months, and may 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 Company to the land therein mentioned, and proceedings shall thereupon be had for the confirmation of the title of the 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 claims to the compensation, or any part thereof, and all such claims shall be received and adjudged upon by the Court;

35. Such judgment of confirmation shall forever bar all claims to the land, 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, and the Special Act, and the provisions of this Act and to law, shall appertain;

Effect of a judgment of confirmation.

36. The costs of the proceedings, or any part thereof, shall be paid by the Company, or by any other party, as the Court may 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 is not obtained until after the six months have expired, the Court shall order the Company to pay the Prothonotary the interest for such further period as may be right;

By whom costs to be paid.

Interest.

37. If the Railway passes through any land belonging to or in possession of any Tribe of Indians in Canada, or if any act occasioning damage to their lands be done under the authority of this Act or the Special Act, compensation shall be made to them therefor, in the same manner as is provided with respect to the lands or rights of other individuals; and whenever it is necessary that Arbitrators should be chosen by the parties, the Secretary of State is hereby authorized and required to name an Arbitrator on behalf of the Indians, and where the lands belong to the Indians, the amount awarded in any case shall be paid to the said Secretary of State, for the use of such Tribe or Body.

The case of Railway passing through Indian lands provided for.

HIGHWAYS AND BRIDGES.

Railway not to be carried along any highway without leave from municipal authorities.

10. The Railway shall not be carried along an existing highway, but merely cross the same in the line of the Railway, unless leave has been obtained from the proper Municipal or local authority therefor; and no obstruction of such highway with the works shall be made without turning the highway so as to leave an open and good passage for carriages, and on completion of the works, replacing the highway, under a penalty of not less than forty dollars for any contravention; but, in either case, the rail itself, provided it does not rise above nor sink below the surface of the road more than one inch, shall not be deemed an obstruction;

Railway not to rise more than one inch above level of any highway when crossing the same.

2. No part of the Railway which crosses any highway without being carried over by a bridge, or under by a tunnel, shall rise above or sink below the level of the highway more than one inch; and the Railway may be carried across or above any highway within the limits aforesaid;

Height and span of bridge over highways.

3. The span of the arch of any bridge erected for carrying the Railway over or across any highway shall at all times be, and be continued of the open and clear breadth and space, under such arch, of not less than twenty feet, and of a height from the surface of such highway to the centre of such arch of not less than twelve feet; and the descent under any such bridge shall not exceed one foot in twenty feet;

Ascent of bridges.

4. The ascent of all bridges erected to carry any highway over any Railway shall not be more than one foot in twenty feet increase over the natural ascent of the highway; and a good and sufficient fence shall be made on each side of every bridge, which fence shall not be less than four feet above the surface of the bridge;

Precautions when Railway crosses a highway.

5. Signboards stretching across or projecting over the highway crossed at a level by any Railway, shall be erected and kept up at each crossing at such height as to leave sixteen feet from the highway to the lower edge of the signboard, and having the words "Railway Crossing" painted on each side of the signboard, in letters not less than six inches in length; and for any neglect to comply with the requirements of this sub-section, a penalty not exceeding forty dollars shall be incurred.

FENCES.

Fences to be erected on each side of Railway, with gates and crossings.

11. Within six months after any lands have been taken for the use of the Railway, the Company shall, if thereunto required by the proprietors of the adjoining lands, at their own costs

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costs and charges, erect and maintain on each side of the Railway, fences of the height and strength of an ordinary division fence, with sliding gates, commonly called hurdle gates, with proper fastenings, at farm crossings of the road, for the use of the proprietors of the lands adjoining the Railway; and also cattle-guards at all road crossings, suitable and sufficient to prevent cattle and animals from getting on the Railway;

2. Until such fences and cattle guards are duly made, the Liability of Company until cattle guards erected. Company shall be liable for all damages which may be done by their trains or engines to cattle, horses or other animals on the Railway;

3. After the fences or guards have been duly made, and When to be exempted. while they are duly maintained, no such liability shall accrue for any such damages, unless negligently or wilfully done;

4. If any person rides, leads or drives any horse or any other Persons prohibited from going on the track, &c., with cattle, &c. animal, or suffers any such horse or other animal to enter upon such Railway, and within the fences and guards, other than the farm crossings, without the consent of the Company, he shall for every such offence forfeit a sum not exceeding forty dollars, and shall also pay to the party aggrieved all damages sustained thereby;

5. No person other than those connected with, or employed Or walking thereon. by the Railway shall walk along the track thereof, except where the same is laid across or along a highway.

TOLLS.

12. Tolls shall be from time to time fixed and regulated by Tolls to be fixed by By-laws or otherwise. the By-laws of the Company, or by the directors, if thereunto authorized by the By-laws, or by the Shareholders at any general meeting, and may be demanded and received for all passengers and goods transported upon the Railway or in the steam vessels to the undertaking belonging, and shall be paid to such persons and at such places near to the Railway, in such manner and under such regulations as the By-laws direct;

2. In case of denial or neglect of payment on demand of any How payment of Tolls enforced. such tolls, or any part thereof, to such persons, the same may be sued for and recovered in any competent Court, or the agents or servants of the Company may seize the goods for or in respect whereof such tolls ought to be paid, and detain the same until payment thereof; and in the meantime the said goods shall be at the risk of the owners thereof;

3. If the tolls are not paid within six weeks, the Company When if Tolls not paid, goods dis- may sell the whole or any part of such goods, and out of the monny

trained may be sold. money arising from such sale retain the tolls payable, and all charges and expenses of such detention and sale; rendering the surplus, if any, or such of the goods as remain unsold, to the person entitled thereto;

When goods distrained or detained may be sold. 4. If any goods remain in the possession of the Company unclaimed for the space of twelve months, the Company may thereafter, and on giving public notice thereof by advertisement for six weeks in the *Official Gazette* of the Province in which such goods are, and in such other papers as they deem necessary, sell such goods by public auction at a time and place to be mentioned in such advertisement, and out of the proceeds thereof pay such tolls and all reasonable charges for storing, advertising and selling such goods; and the balance of the proceeds, if any, shall be kept by the Company for a further period of three months, to be paid over to any party entitled thereto;

Proceeds, how dealt with.

How balance to be disposed of. 5. In default of such balance being claimed before the expiration of the period last aforesaid, the same shall be paid over to the Receiver General, to be applied to the general purposes of Canada, until claimed by the party entitled thereto;

Toll—how raised or reduced.

6. All or any of the tolls may, by any by-law, be reduced and again raised as often as deemed necessary for the interests of the undertaking; but the same tolls shall be payable at the same time and under the same circumstances upon all goods and by all persons, so that no undue advantage, privilege or monopoly may be afforded to any person or class of persons by any by-laws relating to the tolls;

A fraction of a mile or ton how estimated in charging tolls.

7. In all cases, a fraction in the distance over which goods or passengers are transported on the Railway shall be considered as a whole mile; and for a fraction of a ton in the weight of any goods, a proportion of the tolls shall be demanded and taken, according to the number of quarters of a ton contained therein; and a fraction of a quarter of a ton shall be deemed and considered as a whole quarter of a ton;

Table of tolls to be stuck up in offices and cars.

8. The Directors shall, from time to time, print and stick up, or cause to be printed and stuck up, in the 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, and particularizing the price or sum of money to be charged or taken for the carriage of any matter or thing;

Tolls to be approved of by the Governor in Council.

9. No tolls shall be levied or taken until approved of by the Governor in Council, nor until after two weekly publications in the *Canada Gazette* of the by-law establishing such tolls and of the Order in Council approving thereof;

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10. Every by-law fixing and regulating tolls shall be subject to revision by the Governor in Council from time to time, after approval thereof; and after an Order in Council, reducing the tolls fixed and regulated by any by-law, has been twice published in the *Canada Gazette*, the tolls mentioned in such Order in Council shall be substituted for those mentioned in the by-law so long as the Order in Council remains unrevoked;

The Governor may revise By-laws fixing tolls.

11. The Parliament of Canada may from time to time reduce the tolls upon the railway, but not without consent of the company, or so as to produce less than fifteen per cent. per annum profit on the capital actually expended in its construction; nor unless, on an examination made by the Minister of Public Works of the amount received and expended by the Company, the net income from all sources, for the year then last passed, is found to have exceeded fifteen per cent. upon the capital so actually expended;

When Parliament may reduce tolls on Railways

12. No by-law of any Railway Company by which any Tolls are to be imposed or altered, or by which any party other than the Members, Officers, and Servants of the Company are intended to be bound, shall have any force or effect until the same has been approved and sanctioned by the Governor in Council.

By-laws imposing tolls, &c., to be approved by the Governor in Council.

GENERAL MEETINGS.

13. The Shareholders may assemble together at general meetings for purposes connected with or belonging to the undertaking, and at any annual general meeting, may elect Directors in the manner provided by the next succeeding section.

Shareholders may hold general meetings.

PRESIDENT AND DIRECTORS—THEIR ELECTION AND DUTIES.

14. A Board of Directors of the undertaking to manage its affairs, the number whereof shall be stated in the Special Act, shall be chosen annually by a majority of the shareholders voting at such election at a general meeting, the time and place for which shall be appointed by the Special Act, and if such election is not held on the day appointed, the Directors shall cause such election to be held within as short a delay as possible after the day appointed;

Board of Directors to be elected.

2. No person shall be admitted to vote on such subsequent day except those who would have been entitled to vote had the election been held on the day when it ought to have been held;

Who entitled to vote.

3. Vacancies in the Board of Directors shall be filled in the manner prescribed by the by-laws;

Vacancies, how to be filled up.

Who qualified to be a Director.

4. No person shall be a Director unless he is a Stockholder, owning stock absolutely in his own right, and qualified to vote for Directors, at the election at which he is chosen ;

Calling of special meetings, &c.

5. The method of calling general meetings, and the time and place of the first meeting of Stockholders for the appointment of Directors, shall be determined and settled in the Special Act ;

Votes to be in proportion to shares.

6. The number of votes to which each shareholder shall be entitled on every occasion when the votes of the members are to be given, shall be in the proportion of the number of shares held by him, unless otherwise provided by the Special Act ;

Shareholders may vote by proxy.

7. All Shareholders, whether resident in Canada or elsewhere, may vote by proxy, if they see fit ; Provided that such proxy produce, from his constituent an appointment in writing, in the words or to the effect following, that is to say :

Form.

I, _____, of _____ one of the Shareholders of the _____, do hereby appoint _____ of _____, to be my proxy, and in my absence to vote or give my assent to any business, matter or thing relating to the said undertaking, that may be mentioned or proposed at any meeting of the Shareholders of the said Company, or any of them, in such manner as he, the said _____, thinks proper. In witness whereof, I have hereunto set my hand and seal, the _____ day of _____, in the year _____

Votes by proxy to be valid.

8. The votes by proxy shall be as valid as if the principals had voted in person ; and every matter or thing proposed or considered in any public meeting of the Shareholders shall be determined by the majority of votes and proxies then present and given, and all decisions and acts of any such majority shall bind the Company, and be deemed the decisions and acts of the Company ;

Term of office of Directors.

9. The Directors appointed at the last election, or those appointed in their stead in case of vacancy, shall remain in office until the next ensuing election of Directors ;

Vacancies, how supplied.

10. In case of the death, absence or resignation of any of the Directors, others may be appointed in their stead by the surviving Directors ; but if such appointment be not made, such death, absence or resignation shall not invalidate the acts of the remaining Directors ;

President.

Term of office.

11. The Directors shall, at their first or at some other meeting after the election, elect one of their number to be the President of

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of the Company, who shall always, when present, be the chairman of and preside at all meetings of the Directors, and shall hold his office until he ceases to be a Director, or until another President has been elected in his stead; and they may in like manner elect a Vice-President, who shall act as chairman in the absence of the President; Vice-President.

12. The Directors at any meeting at which not less than a Quorum. quorum, to be settled by the Special Act, are present, shall be competent to use and exercise all and any of the powers vested in them;

13. The act of a majority of a quorum of the Directors present at any meeting regularly held, shall be deemed the act of the Directors; Acts of majority to bind the whole.

14. No Director shall have more than one vote except the Chairman, who shall, in case of a division of equal numbers, have the casting vote; Casting vote.

15. The Directors shall be subject to the examination and control of the Shareholders at their annual meetings, and be subject to all by-laws of the company, and to the orders and directions from time to time made at the annual or special meetings, such orders and directions not being contrary to any express directions or provisions of this Act or the Special Act; Directors to be subject to Shareholders and by-laws.

16. No person holding any office, place or employment in or being concerned or interested in any contracts under or with the Company, shall be capable of being chosen a Director, or of holding the office of Director, nor shall any person being a Director of the Company enter into, or be directly or indirectly for his own use and benefit, interested in any contract with the Company, not relating to the purchase of land necessary for the railway, or be or become a partner of any contractor with the Company; Officers of Company cannot be Directors or contractors.

17. The Directors shall make by-laws for the management and disposition of the stock, property, business and affairs of the Company, not inconsistent with the laws of Canada, and for the appointment of all officers, servants and artificers, and prescribing their respective duties; By-laws for management of stock, &c.

18. The Directors shall, from time to time, appoint such officers as they deem requisite, and shall take sufficient security, by one or more penal bonds, or by the guarantee of the European Assurance Society, or of any society incorporated for like purposes, as they may deem expedient or otherwise, from the manager and officers for the time being, for the safe keeping and accounting for by them respectively of the moneys raised May appoint officers.
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by virtue of this Act and the Special Act, and for the faithful execution of their offices, as the directors think proper ;

Vice-President to act in the absence of the President.

19. In case of the absence or illness of the President, the Vice-President shall have all the rights and powers of the president, and may sign all notes, bills, debentures and other instruments, and perform all acts which by the regulations and by-laws of the Company, or by the Acts incorporating the Company, are required to be signed, performed and done by the President ;

Absence of President may be entered in the minutes, and certified, &c.

20. The Directors may at any meeting require the secretary to enter such absence or illness among the proceedings of such meeting, and a certificate thereof signed by the secretary shall be delivered to any person or persons requiring the same on payment to the treasurer of one dollar, and such certificate shall be taken and considered as *prima facie* evidence of such absence or illness, at and during the period in the said certificate mentioned, in all proceedings in courts of justice or otherwise ;

Directors to cause annual accounts to be rendered.

21. The Directors shall cause to be kept, and annually on the thirty-first day of December to be made up and balanced, a true, exact and particular account of the moneys collected and received by the Company or by the Directors or Managers thereof, or otherwise, for the use of the Company, and of the charges and expenses attending the erecting, making, supporting, maintaining and carrying on of the undertaking, and of all other receipts and expenditures of the Company or the Directors.

CALLS.

Calls, how made and after what notice.

15. The Directors may, from time to time, make such calls of money upon the respective Shareholders, in respect of the amount of capital respectively subscribed or owing by them, as they deem necessary, and thirty days' notice at the least shall be given of each call, and no call shall exceed the prescribed amount determined in the Special Act, or be made at a less interval than two months from the previous call, nor shall a greater amount be called in, in any one year, than the amount prescribed in the Special Act ;

Notice of meetings, how published.

2. All notices of meetings or of calls upon the Shareholders of the Company shall be published weekly in the *Canada Gazette*, which shall be conclusive evidence of the sufficiency of such notice ;

Payment of calls, how to be made.

3. Every Shareholder shall be liable to pay the amount of the call so made in respect of the shares held by him to the persons and at the times and places from time to time appointed by the Company or the Directors ;

4. If before or on the day appointed for payment, any Shareholder does not pay the amount of the call, he shall be liable to pay interest for the same, at the rate of six per centum per annum, from the day appointed for the payment thereof to the time of the actual payment;

Interest to be chargeable on overdue calls.

5. If at the time appointed for the payment of any call, any Shareholder fails to pay the amount of the call, he may be sued for the same, in any court of competent jurisdiction, and the same may be recovered with lawful interest from the day on which the call became payable;

Amount of call may be recovered by suit.

6. In any action or suit to recover any money due upon any call, it shall not be necessary to set forth the special matter, but it shall be sufficient to declare that the defendant is the holder of one share or more, stating the number of shares, and is indebted in the sum of money to which the calls in arrear amount, in respect of one call or more upon one share or more, stating the number and amount of each of such calls, whereby an action hath accrued to the Company by virtue of the Special Act;

What allegations and formalities necessary in actions for calls.

7. The Certificate of Proprietorship of any share shall be admitted in all Courts as *prima facie* evidence of the title of any Shareholder, his executors, administrators, successors or assigns, to the share therein specified;

Certificate of proprietorship *prima facie* evidence.

8. But the want of such Certificate shall not prevent the holder of any share from disposing thereof;

Proviso.

9. Any person neglecting or refusing to pay a ratable share of the calls as aforesaid, for the space of two months after the time appointed for the payment thereof, shall forfeit his shares in the undertaking, and all the profit and benefit thereof; which forfeitures shall go to the Company for the benefit thereof;

Penalty for refusal to pay calls.

10. No advantage shall be taken of the forfeiture, unless the same is declared to be forfeited at a General Meeting of the Company, assembled at any time after such forfeiture has been incurred;

Forfeiture of share to be taken advantage of only at a general meeting.

11. Every such forfeiture shall be an indemnification to and for every Shareholder so forfeiting, against all actions, suits or prosecutions whatever, commenced or prosecuted for any breach of contract or other agreement between such Shareholder and the other Shareholders with regard to carrying on the undertaking;

Effect of forfeiture as to liabilities.

12. The Directors may sell, either by public auction or private sale, and in such manner and on such terms as to them may

Directors may sell forfeited shares.

may seem meet, any shares so declared to be forfeited, and also any shares remaining unsubscribed for in the capital stock of the Company, or pledge such forfeited or unsubscribed shares for the payment of loans or advances made or to be made thereon, or of any sums of money borrowed or advanced by or to the Company ;

Certificate of Treasurer to be evidence of forfeiture and of title of purchaser.

13. A Certificate of the Treasurer of the Company that the forfeiture of the shares was declared, shall be sufficient evidence of the fact, and of their purchase by the purchaser, and such Certificate with the receipt of the Treasurer for the price of such shares, shall constitute a good title to the shares, and the Certificate shall be by the said Treasurer enregistered in the name and with the place of abode and occupation of the purchaser, and shall be entered in the Books required to be kept by the by-laws of the Company, and such purchaser shall thereupon be deemed the holder of such shares, and shall not be bound to see to the application of the purchase money, nor shall his title to such shares be affected by any irregularity in the proceedings in reference to such sale, and any Shareholder may purchase any shares so sold ;

Interest may be allowed to Shareholders paying money in advance on their shares.

14. Shareholders willing to advance the amount of their shares, or any part of the money due upon their respective shares beyond the sums actually called for, may pay the same, and upon the principal moneys so paid in advance, or so much thereof as from time to time exceeds the amount of the calls then made upon the shares in respect to which such advance is made, the Company may pay such interest at the legal rate of interest for the time being, as the shareholders paying such sum in advance and the Company agree upon ; but such interest shall not be paid out of the capital subscribed.

DIVIDENDS.

Declaration of dividend.

16. At the general meetings of the Shareholders of the undertaking from time to time holden, a dividend shall be made out of the clear profits of the undertaking, unless such meetings declare otherwise.

At so much per share.

2. Such dividend shall be at and after the rate of so much per share upon the several shares held by the Shareholders in the stock of the Company, as such meeting may think fit to appoint or determine ;

Dividends not to impair the Capital.

3. No dividend shall be made whereby the Capital of the Company is in any degree reduced or impaired, or be paid out of such capital, nor shall any dividend be paid in respect of any share, after a day appointed for payment of any call for money in respect thereof, until such call has been paid ;

4.

4 The Directors may, in their discretion, until the Railroad is completed and opened to the public, pay interest at any rate not exceeding six dollars per hundred dollars per annum, on all sums called up in respect of the shares, from the respective days on which the same have been paid, such interest to accrue and be paid at such times and places as the Directors appoint for that purpose ;

Directors may pay interest on sums called up in respect of shares.

5. No interest shall accrue to the proprietors of any share upon which any call is in arrear in respect of such shares or upon any other share held by the same Shareholder while such call remains unpaid.

No interest on shares in arrear.

SHARES AND THEIR TRANSFER.

17. Shares in the undertaking may, by the parties, be sold and disposed of by instrument in writing, to be made in duplicate, one part of which shall be delivered to the Directors, to be filed and kept for the use of the Company, and an entry thereof shall be made in a Book to be kept for that purpose ; and no interest on the shares transferred shall be paid by the purchaser until such duplicate is so delivered, filed and entered ;

Shareholders may dispose of shares.

2. Sales shall be in the form following, varying the names and descriptions of the contracting parties as the case may require:

Form of sale.

I, A. B., in consideration of the sum of _____, paid to me by C. D., hereby do sell and transfer to him _____ share (or shares) of the stock of the _____, to hold to him the said C. D., his heirs, executors, 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. Witness our hands _____ this _____ day of _____ in the year 18 _____

3. The Stock of the Company shall be deemed personal estate, but no shares shall be transferable until all previous calls thereon have been fully paid in, or the said shares have been declared forfeited for the non-payment of calls thereon, and no transfer of less than a whole share shall be valid ;

Stock to be personal estate—No transfer of part of a share.

4. If any share in the Company be transmitted by the death, bankruptcy or last will, donation or testament, or by the intestacy of any Shareholder, or by any lawful means other than the transfer hereinbefore mentioned, the party to whom such share is transmitted, shall deposit in the office of the Company a statement in writing, signed by him declaring the

Transmission of shares other than by transfer, provided for.

the manner of such transmission, together with a duly certified copy or probate of such will, donation or testament, or sufficient extracts therefrom, and such other documents or proof as may be necessary, and without such proof the party shall not be entitled to receive any share of the profits of the Company, nor vote in respect of any such share as the holder thereof;

Company not bound to see to the execution of trusts.

5. The Company shall not be bound to see to the execution of any trust, whether express, implied or constructive, to which any of the shares may be subject and the receipt of the party in whose name any share stands in the Books of the Company, or if it stands in the name of more parties than one, the receipt of one of the parties named in the Register of Shareholders shall from time to time be a sufficient discharge to the Company for any dividend or other sum of money payable in respect of the share, notwithstanding any trust to which the share may then be subject, and whether or not the Company have had notice of the trusts, and the Company shall not be bound to see to the application of the money paid upon such receipts;

Company not to take stock in their own or any other companies.

6. The funds of the Company shall not be employed in the purchase of any Stock in their own or in any other Company.

SHAREHOLDERS.

Shareholders individually liable, and to what extent.

18. Each Shareholder shall be individually liable to the creditors of the Company to an amount equal to the amount unpaid on the Stock held by him, for the debts and liabilities thereof, and until the whole amount of his Stock has been paid up; but shall not be liable to an action therefor before an execution against the Company has been returned unsatisfied in whole or in part;

When and how Municipal Corporations may take stock, &c.

2. Municipal Corporations in any Province in Canada being duly empowered so to do by the laws of the Province, and subject to the limitations and restrictions by such laws prescribed, may subscribe for any number of shares in the Capital Stock of the Company, and the Mayor, Warden or Reeve, or other head of any such Corporation holding stock to the amount of twenty thousand dollars or upwards, shall be *ex officio* one of the Directors of the Company in addition to the number of Directors authorized by the Special Act;

Account of names and residence of Shareholders to be kept.

3. A true and perfect account of the names and places of abode of the several Shareholders shall be entered in a Book to be kept for that purpose.

BY-LAWS, NOTICES, &c.

19. All By-laws, Rules and Orders regularly made, shall be put into writing and signed by the Chairman or person presiding at the meeting at which they are adopted, and shall be kept in the office of the Company; and a printed copy of so much of them as relates to or affects any party other than the members or servants of the Company, shall be affixed openly in every place where tolls are to be gathered, and a printed copy of so much of them as relates to the safety and liability of passengers shall be openly affixed in each passenger car, and in like manner so often as any change or alteration is made to the same; and any copy of the same, or of any of them, certified as correct by the President or Secretary, shall be evidence thereof in any Court;

By-laws to be put into writing, and signed by Chairman.

2. All such By-laws, Rules and Orders shall be submitted from time to time to the Governor for approval;

By-laws to be submitted to Governor.

3. Copies of the Minutes of proceedings and resolutions of the Shareholders of the Company, at any general or special meeting, and of the Minutes of proceedings and resolutions of the Directors, at their meetings, extracted from the Minute-books kept by the Secretary of the Company, and by him certified to be true copies, extracted from such Minute-books, shall be evidence of such proceedings and resolutions in any Court;

Copies of Minutes to be prima facie evidence.

4. All notices given by the Secretary of the Company, by order of the Directors, shall be deemed notices by the Directors and Company.

Notices by Secretary valid.

WORKING OF THE RAILWAY.

20. Every servant of the undertaking employed in a passenger train or at a station for passengers, shall wear upon his hat or cap, a badge, which shall indicate his office, and he shall not without such badge be entitled to demand or receive from any passenger any fare or ticket, or to exercise any of the powers of his office, or to interfere with any passenger or his baggage or property;

Servants to wear badges.

2. The trains shall be started and run at regular hours to be fixed by public notice, and shall furnish sufficient accommodation for the transportation of all such passengers and goods as are within a reasonable time previous thereto offered for transportation at the place of starting, and at the junctions of other Railways and at usual stopping places established for receiving and discharging way-passengers and goods from the trains;

Trains to start at regular hours.

Passengers and goods to be carried on payment of fare or freight.

3. Such passengers and goods shall be taken, transported and discharged, at, from, and to such places, on the due payment of the toll, freight or fare legally authorized therefor ;

The Company liable for neglect or refusal.

4. The party aggrieved by any neglect or refusal in the premises, shall have an action therefor against the Company ;

Checks to be fixed on parcels.

5. Checks shall be affixed by an agent or servant to every parcel of baggage having a handle, loop or fixture of any kind thereupon, and a duplicate of such check shall be given to the passenger delivering the same ;

Penalty for refusing to give Checks.

6. If such check be refused on demand, the Company shall pay to such passenger the sum of eight dollars, to be recovered in a civil action ; and further, no fare or toll shall be collected or received from such passenger, and if he has paid his fare, the same shall be refunded by the Conductor in charge of the train ;

Passenger a witness in his own behalf.

7. Any passenger producing such check, may himself be a witness in any suit brought by him against the Company to prove the contents and value of his baggage not delivered to him ;

Baggage cars not to be in rear of passenger cars.

8. The baggage, freight, merchandise or lumber cars shall not be placed in rear of the passenger cars, and if any such be so placed, the officer or agent directing or knowingly suffering such arrangement, and the Conductor of the train, shall severally be guilty of a misdemeanor, and be punished accordingly ;

Locomotives to have bells and steam whistles.

9. Every locomotive engine shall be furnished with a bell of at least thirty pounds weight, and with a steam whistle ;

To be rung or sounded at every crossing, &c.

10. The bell shall be rung, or the whistle sounded at the distance of at least eighty rods from every place where the Railway crosses any highway, and be kept ringing or be sounded at short intervals, until the engine has crossed such highway, under a penalty of eight dollars for every neglect thereof ; to be paid by the Company, who shall also be liable for all damages sustained by any person by reason of such neglect, and one-half of such penalty and damages shall be chargeable to and collected by the Company from the Engineer having charge of such engine and neglecting to sound the whistle or ring the bell as aforesaid ;

Intoxication of conductor a misdemeanor.

11. Any person in charge of a locomotive engine, or acting as the Conductor of a car or train of cars, who is intoxicated, shall be guilty of a misdemeanor ;

Passenger refusing to pay fare may be put out.

12. Any passenger refusing to pay his fare, may, by the Conductor of the train and the servants of the Company, be put out

out of the cars, with his baggage, at any usual stopping place, or near any dwelling-house, as the Conductor elects, the Conductor first stopping the train and using no unnecessary force ;

13. Any passenger injured while on the platform of a car, or on any baggage, wood, or freight car, in violation of the printed regulations posted up at the time in a conspicuous place inside of the passenger cars then in the train, shall have no claim for the injury, provided room inside of such passenger cars, sufficient for the proper accommodation of the passengers, was furnished at the time ; Passengers to have no claim if injured when on platform of cars, &c.

14. No person shall be entitled to carry or to require the Company to carry upon their Railway, *aquafortis*, oil of vitriol, gunpowder, nitro-glycerine, or any other goods, which in the judgment of the Company, may be of a dangerous nature ; and if any person sends by the said Railway any such goods without, at the time of so sending the said goods, distinctly marking their nature on the outside of the package containing the same, and otherwise giving notice in writing to the book-keeper or other servant of the Company with whom the same are left, he shall forfeit to the Company the sum of twenty dollars, for every such offence ; As to goods of a dangerous nature. They must be plainly marked.

15. The Company may refuse to take any package or parcel which they suspect to contain goods of a dangerous nature, or may require the same to be opened to ascertain the fact. Dangerous goods may be refused.

ACTIONS FOR INDEMNITY ; AND FINES AND PENALTIES AND THEIR PROSECUTIONS.

21. All suits for indemnity for any damage or injury sustained by reason of the Railway shall be instituted within six months next after the time of such supposed damage sustained, or if there be continuation of damage, then within six months next after the doing or committing such damage ceases, and not afterwards ; and the defendants may plead the general issue and give this Act and the Special Act and the special matter in evidence at any trial to be had thereupon, and may prove that the same was done in pursuance of and by authority of this Act and the Special Act ; Limitation of actions for damages.

1. All fines and forfeitures imposed by Part First of this Act or the Special Act, or by any By-law, except those for the levying and recovering of which special provision is herein made, shall be recovered in a summary manner before any one or more Justice or Justices of the Peace for the District, County or place where the act occurred ; Fines, how recovered.

How applic-
ble.

2. All the fines, forfeitures and penalties, recovered under the next preceding paragraph the application whereof is not hereinbefore particularly directed, shall be paid into the hands of the Treasurer of the Company, to be applied to the use thereof ;

Contravention
of this Act,
&c., to be a
misdemeanor.

Proviso.

3. Any contravention of this Act or of the Special Act by the 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 not exempt the Company, if they be the offending party, from the forfeiture by this Act and the Special Act, of the privileges conferred on them by the said Acts, if by the provisions thereof or by law, the same be forfeited by such contravention.

GENERAL PROVISIONS.

Provision as to
the carriage of
Her Majesty's
Mail, &c.

22. 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 or others travelling on Her Majesty's service, shall at all times when required by the Postmaster-General of Canada, the Commander of the Forces, or any person having the superintendence and command of any Police Force, and with the whole resources of the Company if required, be carried on the Railway, on such terms and conditions, and under such regulations as the Governor in Council may make ;

Government
to have exclu-
sive use of
telegraph, if
required.

2. The Company shall, when required so to do by the Governor in Council, or any person authorized by him, place any Electric Telegraph, and the apparatus and operators they may have, at the exclusive use of the Government, receiving thereafter reasonable compensation for such service ;

Telegraph line
may be con-
structed by
Governor.

3. The Governor may, at any time, cause a line or lines of Electric Telegraph to be constructed along the line of the Railway, for the use of the Government, and for that purpose may enter upon and occupy so much of the lands of the Company as may be necessary for the purpose ;

Further enact-
ments may be
made by Par-
liament.

4. Any further enactments which the Parliament of Canada may hereafter make, for the carriage of the Mail or Her Majesty's Forces, and other persons and articles as aforesaid, or the tolls therefor, or in any way respecting the use of any Electric Telegraph or other service to be rendered to the Government, shall not be deemed an infringement of the privileges intended to be conferred by this Act or the Special Act ;

5. No contracts for works of construction or maintenance of the Railway, except works of ordinary repair, or of immediate necessity, shall be entered into until after tenders for such works respectively have been invited by public notice therefor, given for at least four weeks in some newspaper published in the place nearest to that at which the work is required to be done, but the Company shall not be compelled to accept any such tender;

Tenders to be advertised for, as to Works not of immediate necessity.

6. If the construction of the Railway be not commenced, and ten per cent. on the amount of the capital be not expended thereon, within three years after the passing of the Special Act, or if the Railway is not finished and put in operation in ten years from the passing of such Special Act, the corporate existence and powers of the Company shall cease;

Period for subscription of Capital, and completion of Railway.

7. After the opening of the Railway or any part thereof to the public, and within the first fifteen days after the opening of each Session of Parliament, an account shall be annually submitted to the three branches containing a detailed and particular account, attested upon oath of the President, or in his absence of the Vice-President, of the moneys received and expended by the Company, and a classified statement of the passengers and goods transported by them, with an attested copy of the last annual statement;

Account to be submitted to Legislature.

8. No further provisions which Parliament may hereafter make with regard to the form or details of such account, or the mode of attesting or rendering the same, shall be deemed an infringement of the privileges hereby granted to the Company;

Form or details of account may be varied by Parliament.

9. Parliament may at any time annul or dissolve any Corporation formed under this Act; but such dissolution shall not take away or impair any remedy given against any such Corporation, its Shareholders, officers or servants, for any liability which had been previously incurred;

Parliament may dissolve any Corporation formed under this Act.

10. Nothing herein contained shall affect in any manner the rights of Her Majesty, or of any person, or of any body politic, corporate or collegiate, such only excepted as are herein mentioned.

Saving of Her Majesty's Rights, &c.

PART SECOND.

THE RAILWAY COMMITTEE.

23. The Governor-General may, from time to time, appoint such Members of the Privy Council, to the number of four at least, as he may see fit, to constitute the Railway Committee of

Railway Board of Committee constituted.

Duties. of the Privy Council, and such Committee shall have the powers and perform the duties assigned to them by this Act.

May appoint a Chairman and a Secretary. **24.** The Railway Committee shall appoint one of its members to be Chairman, and the Deputy of the Minister of Public Works or some other fit person appointed by the Committee shall be the Secretary of the Committee.

Railway not to be opened till after one month's notice to Railway Committee of intention to open the same. **25.** No Railway or portion of any Railway shall be opened for the public conveyance of passengers until one month after notice in writing of the intention to open the same has been given by the Company to whom the Railway belongs to the Railway Committee, and until ten days after notice in writing has been given by the Company, to the Railway Committee, of the time when the Railway or portion of Railway will be, in the opinion of the Company, sufficiently completed for the safe conveyance of passengers, and ready for inspection.

Penalty for contravention. **26.** If any Railway or portion of a Railway be opened without such notices, the Company to whom such Railway belongs, shall forfeit to Her Majesty the sum of two hundred dollars for every day during which the same continues open, until the notices have been duly given and have expired.

Railway Committee upon report of an Engineer and sanction of Governor in Council may postpone the opening of road. **27.** The Railway Committee upon receiving such notification shall direct one or more of the engineers attached to the Department of Public Works, to examine the railway proposed to be opened, and all bridges, culverts, tunnels, road crossings and other works and appliances connected therewith, and also all engines and other rolling stock intended to be used thereon, and if the inspecting engineer or engineers report in writing to the Railway Committee that, in his or their opinion, the opening of the same would be attended with danger to the public using the same, by reason of the incompleteness of the works or permanent way, or the insufficiency of the establishment for working such Railway, together with the ground of such opinion, the Railway Committee, with the sanction of the Governor in Council, and so from time to time, as often as such Engineer or Engineers, after further inspection thereof, so report, may order and direct the Company to whom the Railway belongs to postpone such opening not exceeding one month at any one time, until it appears to the Committee that such opening may take place without danger to the public.

Penalty for opening contrary to the order of the Committee. **28.** If any Railway, or any portion thereof, be opened contrary to such order or direction of the Railway Committee, the Company to whom the Railway belongs shall forfeit to Her Majesty the sum of two hundred dollars for every day during which the same continues open contrary to such order or directions.

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29. No such order shall be binding upon any Railway Company unless therewith is delivered to the Company a copy of the report of the inspecting engineer or engineers on which the order is founded.

30. The Railway Committee, whenever they receive information to the effect that any bridge, culvert, viaduct, tunnel, or any other portion of any railway, or any engine, car, or carriage used or for use on any railway, is dangerous to the public using the same, from want of repair, insufficient or erroneous construction or from any other cause or whenever circumstances may arise which, in their opinion, render it expedient, may direct any engineer or engineers as aforesaid to examine and inspect the railway or any portion thereof or of the works connected therewith, or the engines and other rolling stock in use thereon or any portion thereof, and upon the report of the engineer or engineers may condemn the railway or any portion thereof, or any of the rolling stock or other appliances used thereon, and with the approval of the Governor in Council, may require any change or alteration therein or in any part thereof, or the substitution of any new bridge, culvert, viaduct or tunnel, or of any material for the said Railway, and thereupon the Company to which such Railway belongs, or the Company using, running or controlling the same, shall, after notice thereof in writing signed by the Chairman of the Committee and countersigned by the Secretary thereof, proceed to make good or remedy the defects in the said portions of the Railway, or in the locomotive, car or carriage which have been so condemned, or shall make such change, alteration or substitution hereinbefore referred to as has been required in manner aforesaid by the Committee.

31. If in the opinion of any such Engineer, it is dangerous for trains or vehicles to pass over any Railway, or any portions thereof, until alterations, substitutions or repairs have been made thereon, or that any particular car, carriage or locomotive should be run or used, the said Engineer may forthwith forbid the running of any train or vehicle over such Railway or portion of Railway, or the running or using of any such car, carriage or locomotive, by delivering or causing to be delivered to the President, Managing Director, or Secretary or Superintendent of the Company owning, running or using such Railway, or to any Officer having the management or control of the running of trains on such Railway, a notice in writing to that effect with his reasons therefor, in which he shall distinctly point out the defects or the nature of the danger to be apprehended.

32. The Inspecting Engineer shall forthwith report the same to the Railway Committee, who, with the sanction of the Governor

When only such order to be binding on the Company.

Committee may cause any work to be inspected, and may on report of Engineer, condemn the Railway or rolling stock, with sanction of Gov. in Council, and may order certain alterations in the works &c.

Inspecting Engineer may in case of danger forbid the running of Trains, &c.

Must report to the Committee, who may

error

confirm or disallow his order.

error in Council, may either confirm, modify or disallow the act or order of the Inspecting Engineer, and such confirmation, modification or disallowance shall be duly notified to the Railway Company affected thereby.

Power of Engineer to examine the works, &c.

33. Any Engineer or Engineers so appointed as aforesaid to inspect any railway or works, may at all reasonable times, upon producing his authority if required, enter upon and examine the said railway and the stations, fences or gates, road crossings, cattle guards, works and buildings; and the engines, cars and carriages belonging thereto.

Company to afford all necessary information to Engineer.

34. Every Railway Company and the Officers and Directors thereof shall afford to the Inspecting Engineer or Engineers such information as may be within their knowledge and power in all matters inquired into by them, and shall submit to such Inspecting Engineer or Engineers all plans, specifications, drawings and documents relating to the construction, repair or state of repair of such railway or any portion thereof, whether a bridge, culvert or other part;

Engineer to be conveyed by Company.

2. Any such Inspecting Engineer shall have the right, whilst engaged in the business of such inspection, to travel without charge on any of the ordinary trains running on the railway, and to use the telegraph wires and machinery in the offices of or under the control of any such Railway Company;

Telegraph operators to obey his orders.

3. The operators or officers employed in the telegraph offices of or under the control of the Company, shall, without unnecessary delay obey all orders of any such Inspecting Engineer for transmitting messages, and any such operator or officer refusing or neglecting so to do, shall forfeit for every such offence the sum of forty dollars;

Proof of his authority.

4. The authority of any such Inspecting Engineer shall be sufficiently evidenced by instructions in writing, signed by the Chairman of the Railway Committee and countersigned by the Secretary thereof.

Governor may order permanent bridges to be substituted for moveable bridges.

35. The Governor in Council, upon the Report of the Railway Committee, may authorize or require any Railway Company to construct fixed and permanent bridges or to substitute such bridges in the place of the swing, draw or moveable bridges on the line of such Railway, within such time as the Governor in Council directs; and for every day after the period so fixed during which the Company uses such swing, draw or moveable bridges, the Company shall forfeit and pay to Her Majesty the sum of two hundred dollars; and it shall not be lawful for any Railway Company to substitute any swing, draw or moveable bridge in the place or stead of any fixed or permanent bridge already

Penalty for neglect.

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already built and constructed without the previous consent of the Railway Committee.

36. In any case where a Railway is constructed or authorized to be constructed, across any turnpike road, street or other public highway, on the level, the Railway Committee, if it appears to them necessary for the public safety, may, with the sanction of the Governor in Council, authorize and require the Company to whom such Railway belongs, within such time as the said Committee directs, to carry such road, street or highway either over or under the said Railway, by means of a bridge or arch, instead of crossing the same on the level, or to execute such other works as under the circumstances of the case appear to the said Committee the best adapted for removing or diminishing the danger arising from such level crossing; and all the provisions of law at any such time applicable to the taking of land by Railway Companies and its valuation and conveyance to them, and to the compensation therefor, shall apply to the case of any land required for the construction of any works for effecting the alteration of such level crossing.

Certain powers vested in Railway Committee with respect to crossing public highways on a level.

37. Whenever any level crossing on any Railway shall be out of repair, the Chief Officer of the Municipality, or other local division, having jurisdiction over the Railway so crossed, may serve a notice upon the Company in the usual manner, requiring the repair to be forthwith made; and if the Company shall not forthwith make the same, such officer may transmit a copy of the notice so served to the Secretary of the Railway Committee; and thereupon it shall be the duty of the Committee, with all possible despatch, to appoint a day for an examination into the matter; and shall by mail, give notice to such Chief Officer, and to the Company, of the day so fixed; and upon the day so named such crossings shall be examined by an Engineer appointed by the Railway Committee; and any certificate under his hand shall be final on the subject so in dispute between the parties; and if the said Engineer determines that any repairs are required, he shall specify the nature thereof in his certificate, and direct the Company to make the same; and the Company shall thereupon, with all possible despatch, comply with the requirements of such certificate; and in case of default the proper authority in the municipality or other local division, within whose jurisdiction the said crossing is situate, may make such repairs, and may recover all costs, expenses and outlays in the premises, by action against the Company in any Court of competent jurisdiction, as money paid to the Company's use; Provided always that neither this section nor any proceeding had thereunder shall at all affect any liability otherwise attaching to such Company in the premises.

Railway Company may be required to repair any level crossing out of repair.

Inspecting Engineer's certificate to be conclusive.

Proviso.

When the Committee may regulate speed, &c.

38. The Railway Committee, or the Inspecting Engineer or Engineers, may limit the number of times or rate of speed of running of trains or vehicles, upon any railway or portion of railway, until such alterations or repairs as they or he may think sufficient have been made, or until such times as they or he think prudent; and the Company owning, running or using such Railway shall comply forthwith with any such Order of the Railway Committee or Inspecting Engineer, upon notice thereof as aforesaid; and for every act of non-compliance therewith every such Railway Company shall forfeit to Her Majesty the sum of two thousand dollars.

Penalty for non-compliance.

Notice of accidents to be given to the Committee,

39. Every Railway Company shall, as soon as possible, and at least within forty-eight hours after the occurrence upon the Railway belonging to such Company of any accident attended with serious personal injury to any person using the same, or whereby any bridge, culvert, viaduct, or tunnel on or of the Railway has been broken or so damaged as to be impassable or unfit for immediate use, give notice thereof to the Railway Committee; and if any Company wilfully omits to give such notice, such Company shall forfeit to Her Majesty the sum of two hundred dollars for every day during which the omission to give the same continues.

Inspection not to relieve Company from liability.

40. No inspection had under this Act nor anything in this Act contained or done or ordered or omitted to be done or ordered under or by virtue of the provisions of this Act, shall relieve or be construed to relieve any Railway Company, or of from any liability or responsibility resting upon it by law, either towards Her Majesty or towards any person, or the wife or husband, parent or child, executor or administrator, tutor or curator, heir or other personal representative of any person for any thing done or omitted to be done by such Company, or for any wrongful act, neglect or default, misfeasance, malfeasance or nonfeasance, of such Company, or in any manner or way to lessen such liability or responsibility, or in any way to weaken or diminish the liability or responsibility of any such Company under the laws in force in the Province in which such liability or responsibility arises.

Company to notify orders of Board to its officers, &c.

41. Every Railway Company shall, as soon as possible after the receipt of any order or notice of the Railway Committee or Inspecting Engineer, give cognizance thereof to each of its officers and servants, in one or more of the ways mentioned in the fifty-second section of this Act.

What to be deemed sufficient notice thereof.

42. All orders of the Railway Committee shall be considered as made known to the Railway Company by a notice thereof signed by the Chairman and countersigned by the Secretary of the Board, and delivered to the President, Vice-President,

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Managing Director, Secretary or Superintendent of the Company, or at the office of the Company; and orders of the Inspecting Engineer or Engineers shall be deemed to be made known to the Railway Company, by a notice thereof, signed by the engineer or engineers, and delivered as above mentioned.

43. Every Railway Company shall, within one month after the first days of January and July, in each and every year, make to the Railway Committee, under the oath of the President, Secretary or Superintendent of the Company, a true and particular return of all accidents and casualties (whether to life or property) which have occurred on the Railway of the Company during the half year next preceding each of the said periods respectively, setting forth:

1. The causes and natures of such accidents and casualties;
2. The points at which they occurred and whether by night or by day;
3. The full extent thereof, and all the particulars of the same; and,

4. Shall also at the same time return a true copy of the existing by-laws of the Company, and of their rules and regulations for the management of the Company and of their Railway.

44. The Railway Committee may order and direct, from time to time, the form in which such returns shall be made up, and may order and direct any Railway Company to make up and deliver to them from time to time, in addition to the said periodical returns, returns of serious accidents occurring in the course of the public traffic upon the Railway belonging to such Company, whether attended with personal injury or not, in such form and manner as the Committee deem necessary and require for their information with a view to the public safety.

45. If such returns so verified be not delivered within the respective times herein prescribed or within fourteen days after the same have been so required by the Committee, every Company making default shall forfeit to Her Majesty the sum of one hundred dollars, for every day during which the Company neglects to deliver the same.

46. All such returns shall be privileged communications, and shall not be evidence in any Court whatsoever.

47. With respect to all Railways coming within the jurisdiction of the Parliament of Canada, to which the provisions of the

Return of accidents to be made semi-annually, and what to contain.

Form to be appointed by the Railway Committee.

Penalty for neglect.

Such returns to be privileged communications.

Railway Committee to have, with respect to the

certain Railways the powers of the former Railway Commissioners.

the Railway Act, chapter sixty-six of the Consolidated Statutes of Canada, apply, the Railway Committee constituted by this Act shall be invested with all the rights and powers vested in the Board of Railway Commissioners under the said Act, collectively, or in any single member thereof; and such powers may be exercised by the said Committee collectively or by any single member thereof, as the case may be, in the same manner and as effectually as they might have been exercised by the said Board of Railway Commissioners; but any inspection that may be required in respect of any such Railway, shall be performed in conformity with the provisions of this Act;

And may continue proceedings commenced by R. Commissioners.

2. All proceedings heretofore commenced by the said Board of Railway Commissioners may be taken up and continued; and all orders and regulations of the said Board, and all penalties and forfeitures, for their contravention, may be enforced and recovered by the Railway Committee in the same manner and with the same effect as they might have been by the said Board before the passing of this Act.

TRAFFIC ARRANGEMENTS.

One Company may agree with another respecting traffic.

48. The Directors of any Railway Company may, at any time, make agreements or arrangements with any other Company either in Canada or elsewhere, for the regulation and interchange of traffic passing to and from their Railways, and for the working of the traffic over the said Railways respectively, or for either of those objects separately, and for the division and apportionment of tolls, rates and charges in respect of such traffic, and generally in relation to the management and working of the Railways, or any of them, or any part thereof, and of any Railway or Railway in connection therewith, for any term not exceeding twenty-one years, and to provide, either by proxy or otherwise, for the appointment of a Joint Committee or Committees for the better carrying into effect any such agreement or arrangement, with such powers and functions as may be considered necessary or expedient, subject to the consent of two-thirds of the Stockholders voting in person or by proxy:

Railway Companies must afford each other every facility for the forwarding of traffic, without preference or favour.

2. But every Railway Company shall, according to their respective powers, afford all reasonable facilities to any other Railway Company, for the receiving and forwarding and delivering of traffic upon, and from the several Railways belonging to or worked by such Companies respectively, and for the return of carriages, trucks, and other vehicles; and no Company shall give or continue any preference or advantage to, or in favour of any particular Company, or any particular description of traffic, in any respect whatsoever, nor shall any Company subject any particular Company or any particular description of traffic, to any prejudice or disadvantage in any respect whatsoever;

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whatsoever; and every Railway Company having or working a Railway which forms part of a continuous line of Railway, or which intersects any other Railway, or which has any terminus, station or wharf of the one near any terminus, station or wharf of the other, shall afford all reasonable facilities for receiving and forwarding by the one Railway all the traffic arriving by the other, without any unreasonable delay, and without any preference or advantage, or prejudice or disadvantage, and so that no obstruction may be offered in the using of such Railway as a continuous line of communication, and so that all reasonable accommodation may, at all times, by the means aforesaid, be mutually afforded by and to the said Railway Companies; and any agreement made between any two or more Railway Companies contrary to the foregoing provisions shall be unlawful, null and void;

Agreements made in contravention of this Act to be void.

3. Any Railway Company granting any facilities to any Incorporated Express Company shall grant equal facilities on equal terms and conditions to any other incorporated Express Company demanding the same;

Must grant equal facilities to Express Companies.

4. If any officer, servant or agent of any Railway Company, having the superintendence of the traffic at any Station or Depot thereof, refuses or neglects to receive, convey or deliver at any Station or Depot of the Company for which they may be destined, any passenger, goods or things, brought, conveyed or delivered to him or to such Company, for conveyance over or along their Railway from that of any other Company, intersecting or coming near to such first mentioned Railway,—or in any way wilfully contravenes the provisions of the second subsection of this section,—such first mentioned Railway Company, or such officer, servant or agent, personally, shall, for each such neglect or refusal, incur a penalty not exceeding fifty dollars, over and above the actual damages sustained; which penalty may be recovered with costs, in a summary way, before any Justice of the Peace, by the Railway Company or any other party aggrieved by such neglect or refusal, and to and for the use and benefit of the Company, or other party so aggrieved;

Penalty on Companies or their officers refusing or neglecting to forward traffic as above required.

How recoverable and how to be applied.

5. For the purposes of the four next preceding subsections, the word "Traffic" includes not only passengers and their baggage, goods, animals and things conveyed by Railway, but also cars, trucks and vehicles of any description adapted for running over any Railway,—the word "Railway" includes all Stations and Depots of the Railway;—and a Railway shall be deemed to come near another when, some part of the one is within one mile of some part of the other.

Interpretation of word "Traffic."

Railway Company, &c.

RAILWAY CONSTABLES.

Constables may be appointed to act on the line of any Railway, and how.

49. The Justices of the Peace for any County in the Provinces of Ontario, Nova Scotia or New Brunswick, assembled at any General or Quarter Sessions of the Peace, and any Judge of the Court of Queen's Bench or Superior Court, or Clerk of the Peace, or Clerk of the Crown, or Judge of the Sessions of the Peace, in the Province of Quebec, on the application of the Board of Directors of any Railway Company whose Railway passes within the local jurisdiction of such Justices of the Peace, Judge, Clerk, or Judge of the Sessions of the Peace, as may be, or on the application of any Clerk or agent of such Company thereto authorized by such Board, may, in their or his discretion, appoint any persons recommended to them for that purpose by such Board of Directors, Clerk or Agent, to act as Constables on and along such Railway; and every person so appointed shall take an oath or make a solemn declaration in the form or to the effect following, that is to say:

Oath of office.

"I, A. B., having been appointed a Constable to act upon and along (*here name the Railway*), under the provisions of (*here insert the title of this Act*), do swear that I will well and truly serve Our Sovereign Lady the Queen, in the said office of Constable, without favour or affection, malice or ill-will, and that I will, to the best of my power, cause the peace to be kept, and prevent all offences against the peace, and that while I continue to hold the said office, I will, to the best of my skill and knowledge, discharge the duties thereof faithfully, according to law. So help me God."

By whom to be administered.

2. Such oath or declaration shall be administered in either of the Provinces of Ontario, Nova Scotia or New Brunswick, by any one such Justice, and in the Province of Quebec by any such Judge, Clerk, or Judge of the Sessions of the Peace; and every Constable so appointed, and having taken such oath or made such declaration, shall have full power to act as a Constable for the preservation of the peace, and for the security of persons and property against felonies and other unlawful acts, on such Railway, and on any of the works belonging thereto, and on and about any trains, roads, wharves, quays, landing-places, warehouses, lands and premises belonging to such Company, whether the same be in the county, city, town, parish, district, or other local jurisdiction within which he was appointed, or in any other place through which such Railway passes, or in which the same terminates, or through or to which any Railway passes, which may be worked or leased by such Railway Company, and in all places not more than one quarter of a mile distant from such Railway or Railways; and shall have all such powers, protections and privileges for the

Powers of such Constables, and to what localities they shall extend.

Duties and powers of such Constables:

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apprehending of offenders, as well by night as by day, and for doing all things for the prevention, discovery and prosecution of felonies and other offences, and for keeping the peace, which any Constable duly appointed has within his Constableness; and it shall be lawful for any such Constable to take such persons as may be punishable by summary conviction for any offence against the provisions of this Act, or of any of the Acts or By-laws affecting any such Railway, before any Justice or Justices appointed for any county, city, town, parish, district or other local jurisdiction within which any such Railway may pass; and every such Justice shall have authority to deal with all such cases, as though the offence had been committed and the person taken within the limits of his own local jurisdiction;

3. Any two Justices of the Peace, in either of the Provinces of Ontario, Nova Scotia or New Brunswick, and any Judge of the Court of Queen's Bench or Superior Court, or Clerk of the Peace, or Clerk of the Crown, or Judge of the Sessions of the Peace, in the Province of Quebec, may dismiss any such Constable, who may be acting within their several jurisdictions; and the Board of Directors of such Railway Company, or any Clerk or Agent of such Company thereto authorized by such Board, may dismiss any such Constable who may be acting on such Railway; and upon every such dismissal, all powers, protections and privileges belonging to any such person by reason of such appointment, shall, wholly cease; and no person so dismissed shall be again appointed to act as a Constable for such Railway, without the consent of the authority by which he was dismissed;

Dismissal of any such Constable.

4. Every such Railway Company shall cause to be recorded in the office of the Clerk of the Peace for every county, city, town, parish, district, or other local jurisdiction wherein such Railway or Railways may pass, the name and designation of every Constable so appointed at their instance, the date of his appointment, and the authority making it, and also the fact of every dismissal of any such Constable, the date thereof, and the authority making the same, within one week after the date of such appointment or dismissal, as may be; and every such Clerk of the Peace shall keep such record in a book, to be open to public inspection, charging such fee or fees as the Railway Committee may from time to time authorize, and in such form as the Committee may from time to time direct;

Record of appointment of each Constable to be kept.

Fees.

5. Every such Constable who is guilty of any neglect or breach of duty in his office of Constable, shall be liable, on summary conviction thereof, within any county, city, district, or other local jurisdiction wherein such Railway may pass, to a penalty of not more than eighty dollars, the amount of which

Punishment of Constables guilty of neglect of duty.

penalty

penalty may be deducted from any salary due to such offender, if such Constable be in receipt of a salary from the Railway Company, or to imprisonment, with or without hard labour, for not more than two months, in the gaol of such county, city, district, or other local jurisdiction ;

And of persons resisting them.

6. Every person who assaults or resists any Constable appointed as aforesaid, in the execution of his duty, or who incites any person, shall, for every such offence, be liable, on summary conviction, to a penalty of not more than eighty dollars, or to imprisonment, with or without hard labour, for not more than two months.

GENERAL PROVISIONS.

Companies to make By-laws for regulation of conductors and other officers, etc.

50. Every Railway Company shall make such by-laws, rules and regulations, to be observed by the conductors, engine drivers and other officers and servants of the Company, and by all other Companies and persons using the Railway of such Company, and such regulations with regard to the construction of the carriages and other vehicles, to be used in the trains on the Railway of the Company, as are requisite for ensuring the perfect carrying into effect of the provisions of this Act, and the orders and regulations of the Railway Committee.

Company may impose penalties for contravention of By-laws.

51. Any Railway Company may by a By-law impose upon any officer, servant, or person who before the contravention of such By-law has had notice thereof and is employed by the Company, a forfeiture to the Company of not less than thirty days' pay of such officer or servant, for any contravention of such By-law, and may retain any such forfeiture out of the salary or wages of the offender.

How notice of By-laws or Orders may be proved.

52. The notice of the By-law or of any order or notice of the Railway Committee, or of the Inspecting Engineer or Engineers, may be proved by proving the delivery of a copy thereof to the officer, servant or person, or that he signed a copy thereof, or that a copy thereof was posted in some place where his work or his duties, or some of them, were to be performed.

When such proof, &c., to be a defence for the Company.

53. Such proof, with a proof of the contravention, shall be a full answer and defence for the Company in any suit for the recovery of the amount so retained, and such forfeiture shall be over and above any penalty under this Act.

Not to impede navigation.

54. No such Company shall cause any obstruction in or impede the free navigation of any river, stream or canal to or across or along which their Railway is carried.

55. If the Railway be carried across any navigable river or canal, the Company shall leave openings between the abutments or piers of their bridge or viaduct over the same, and shall make the same of such clear height above the surface of the water, or shall construct such draw bridge or swing bridge over the channel of the river, or over the whole width of the canal, and shall be subject to such regulations as to the opening of such swing bridge or draw bridge as the Governor in Council from time to time makes.

Railways crossing Rivers, &c., regulated.

56. It shall not be lawful for any such Company to construct any wharf, bridge, pier or other work upon or over any navigable river, lake or canal, or upon the beach or bed or lands covered with the waters thereof, until they have first submitted the plan and proposed site of such work to the Railway Committee, and the same has been approved; and no deviation from such approved site or plan shall be made without the consent of the Committee.

Plans to be submitted to the Governor in Council.

57. Nothing contained in the three next preceding sections of this Act shall be construed to limit or affect any power expressly given to any Railway Company by its Special Act of Incorporation or any Special Act amending the same.

Exception where special powers given by the Special Act.

58. In all cases where a Railway passes any Draw or Swing Bridge over a navigable river, canal or stream which is subject to be opened for the purposes of navigation, the Trains shall in every case be stopped at least three minutes, to ascertain from the Bridge Tender that the said bridge is closed and in perfect order for passing, and in default of so stopping during the full period of three minutes the said Railway Company shall be subject to a fine or penalty of four hundred dollars.

When a Railway passes over a swing-bridge, &c., train to stop for three minutes.

59. Every Railway Company which runs trains upon the railway, for the conveyance of passengers shall provide and cause to be used in and upon such trains such known apparatus and arrangements as best afford good and sufficient means of immediate communication between the conductors and the engine-drivers of such trains while the trains are in motion, and good and sufficient means of applying by the power of the steam engine or otherwise at the will of the engine-driver, or other person appointed to such duty, the brakes to the wheels of the locomotive or tender, or both, or of all or any of the cars or carriages composing the trains, and of disconnecting the locomotive, tender, and cars or carriages from each other by any such power or means, and also such apparatus and arrangements as best and most securely place and fix the seats or chairs in the cars or carriages, and shall alter such apparatus and arrangements or supply new apparatus and arrangements

Company to use the best apparatus for communication between conductors and engine-drivers and for stopping or disconnecting cars, fixing seats in cars, &c.

arrangements from time to time as the Railway Committee may order.

Penalty for not complying with the 59th section.

60. Every Railway Company which fails to comply with any of the provisions contained in the next preceding section of this Act, shall forfeit to Her Majesty a sum not exceeding two hundred dollars for every day during which such default continues.

Further precautions at level crossings.

61. Every Railway Company shall station an officer at every point on their line crossed on a level by any other Railway, and no train shall proceed over such crossing until signal has been made to the Conductor thereof that the way is clear.

Further precautions when one Railway crosses another on a level.

62. Every locomotive or Railway engine or train of cars, on any Railway, shall, before it crosses the track of any other Railway on a level, be stopped for at least the space of one minute.

Or runs through a city, town, &c.

63. No locomotive or Railway engine shall pass in or through any thickly peopled portion of any City, Town or Village at a speed greater than six miles per hour, unless the track is properly fenced.

Or moves reversely.

64. Whenever any train of cars is moving reversely in any City, Town or Village, the locomotive being in the rear, the Company shall station on the last car in the train a person who shall warn parties, standing on or crossing the track of such Railway, of the approach of such train; and for any contravention of the provisions of this and the three next preceding sections the Company shall incur a penalty of one hundred dollars.

Foot passengers to use foot bridge, if provided for that purpose at level crossings.

65. If the Railway Committee orders any Railway Company to erect at or near or in lieu of any level crossing of a turnpike road, or other public highway, a foot-bridge or foot-bridges over their Railway for the purpose of enabling persons passing on foot along such turnpike road or public highway to cross the Railway by means of such bridge or bridges, then, from and after the completion of such foot-bridge or foot-bridges so required to be erected, and while the Company keeps the same in good and sufficient repair, such level crossing shall not be used by foot passengers on the same turnpike road or public highway, except during the time when the same is used for the passage of carriages, carts, horses or cattle along the said road.

No cattle to be allowed to be at large on any

66. No horses, sheep, swine or other cattle, shall be permitted to be at large upon any highway within a half mile of the

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the intersection of such highway with any Railway on grade, highway with-
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unless such cattle are in charge of some person or persons to
prevent their loitering or stopping on such highway at such
intersection.

67. All cattle found at large in contravention of the last Such cattle
may be im-
pounded.
preceding section may, by any person finding the same at large,
be impounded in the nearest pound to the place where the
same are so found, and the pound-keeper with whom the same
are so impounded shall detain the same in the like manner,
and subject to the like regulations as to the care and disposal
thereof, as in the case of cattle impounded for trespass on
private property.

68. No person, any of whose cattle being at large, contrary If killed owner
not entitled to
any action.
to the provisions of section sixty-six, are killed by any train at
such point of intersection, shall have any action against any
Railway Company in respect to the same being so killed.

69. At every road and farm crossing on the grade of the Crossings to be
fenced.
Railway, the crossing shall be sufficiently fenced on both sides
so as to allow the safe passage of the trains.

70. Every Railway Company, shall cause all thistles and other Ground be-
longing to the
Company to be
cleared of
weeds, &c.
noxious weeds growing on the cleared land or ground adjoining
the Railway and belonging to such Company to be cut down
and kept constantly cut down or to be rooted out of the same.

71. If any Railway Company fails to comply with the Consequence
of omitting to
do so.
requirements of the last preceding section within twenty days
after they have been required to comply with the same, by
notice from the Mayor, Reeve or Chief Officer of the Muni-
cipality of the Township, County or District in which the land
or ground lies, or from any Justice of the Peace therein, such
Company shall thereby incur a penalty of two dollars to the
use of the Municipality, and in the Provinces of Nova Scotia
and New Brunswick to the overseer of the poor for the locality
for each day during which they neglect to do any thing which
they are lawfully required to do by such notice, and the said
Mayor, Reeve or Officer or Justice of the Peace may cause all
things to be done which the said Company were lawfully re-
quired to do by such notice, and for that purpose may enter
by himself and his assistants or workmen upon such lands or
grounds, and may recover the expenses and charges incurred in
so doing, and the said penalty with costs of suit, in any Court
having jurisdiction in civil cases to the amount sought to be
recovered.

72. The interest of the purchase money or rent of any real Interest of
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property acquired or leased by any Railway Company, and

real property to be deemed working expenses.

necessary to the efficient working of such Railway, and the price or purchase money of any real property or thing, without which the Railway could not be efficiently worked, shall be considered to be part of the expenses of working such Railway, and shall be paid as such out of the earnings of the Railway ;

PENAL CLAUSES.

Penalty on persons obstructing free use of Railway.

2. Every person who, by any means or in any manner or way whatsoever, obstructs or interrupts the free use of the Railway, or the carriages, vessels, engines or other works incidental or relative thereto, or connected therewith, shall be guilty of a misdemeanor, and on conviction thereof, shall be punished by imprisonment in the common Gaol of the District or County, where the conviction takes place, for any term less than two years; or, in the Penitentiary, for a term not to exceed five years, and not less than two years ;

Penalty on persons damaging Railway.

3. All persons wilfully and maliciously, and to the prejudice of the Railway, breaking, throwing down, damaging or destroying the same, or any part thereof or any of the buildings, stations, depots, wharves, vessels, fixtures, machinery or other works or devices incidental or relative thereto, or connected therewith, or doing any other wilful hurt or mischief or wilfully or maliciously obstructing or interrupting the free use of the Railway, vessels, or works, or obstructing, hindering or preventing the carrying on, completing, supporting and maintaining the Railway vessels or works, shall be guilty of a misdemeanor, unless the offence committed amounts, under some other Act or Law, to a felony, in which case such person shall be guilty of a felony, and the Court by and before whom the person is tried and convicted, may cause such person to be punished in like manner as persons guilty of misdemeanor or felony, as the case may be, are directed to be punished by the laws in force in Canada.

If the offence be a felony.

Punishment of persons doing anything to Railway with intent to injure persons or property.

73. If any person wilfully and maliciously displaces or removes any Railway switch or rail of any Railway, or breaks down, rips up, injures or destroys any Railway track or Railway bridge or fence of any Railway or any portion thereof, or places any obstruction whatsoever on any such rail or Railway track, or bridge, with intent thereby to injure any person or property passing over or along such Railway, or to endanger human life, such person shall be guilty of misdemeanor, and shall be punished by imprisonment with hard labour in the Common Gaol of the Territorial Division in which such offence is committed or tried, for any period not exceeding one year from conviction thereof; and if in consequence of such act done with the intent aforesaid, any person so passing over and along such Railway, actually suffers any bodily harm, or if any property passing

And if such damage be actually done.

over

over and along such Railway be injured, such suffering or injury shall be an aggravation of the offence, and shall render the offence a felony, and shall subject the offender to punishment by imprisonment in the Penitentiary for two years, or in any other prison or place of confinement for any period exceeding one year and less than two years.

74. If any person wilfully and maliciously displaces or removes any Railway switch or rail of any Railway, or breaks down, rips up, injures or destroys any Railway track or Railway bridge or fence of any Railway or any portion thereof, or places any obstruction whatever on any such rail or Railway track or bridge, or does or causes to be done any act whatever whereby an engine, machine or structure, or any matter or thing appertaining thereto is stopped, obstructed, impaired, weakened, injured or destroyed, with intent thereby to injure any person or property passing over or along such Railway and if in consequence thereof any person be killed or his life be lost, such person so offending shall be guilty of manslaughter, and being found guilty, shall be punished by imprisonment in the Penitentiary for any period not more than ten nor less than four years.

And if any person be killed or his life be lost, the offence to be manslaughter.

Punishment.

75. If any person wilfully and maliciously does or causes to be done, any act whereby any building, fence, construction or work of any Railway, or any engine, machine or structure of any Railway, or any matter or thing appertaining to the same is stopped, obstructed, impaired, weakened, injured or destroyed, the person so offending shall be guilty of a misdemeanor, and be punished by imprisonment with hard labour not exceeding one year, in the Common Gaol of the Territorial Division in which the offence was committed or has been tried.

Committing any injury, stoppage, &c., to be a misdemeanor.

76. Every person who bores, pierces, cuts, opens, or otherwise injures any cask, box or package, containing wine, spirits or other liquors or any case, box, sack, wrapper, package or roll of goods, in, on or about any car, waggon, boat, vessel, warehouse, station-house, wharf, quay or premises of or belonging to any such Railway Company, with intent feloniously to steal or otherwise unlawfully to obtain or to injure the contents, or any part thereof, or who unlawfully drinks, or wilfully spills or allows to run to waste, any such liquors, or any part thereof, shall, for every such offence, be liable, on summary conviction before one or more Justices of the Peace, to a penalty of not more than twenty dollars, over and above the value of the goods or liquors so taken or destroyed, or to imprisonment, with or without hard labour, for not more than one month.

Punishment of persons boring or cutting casks or packages on Railway.

Punishment of persons obstructing Inspectors in the execution of their duty.

77. Every person wilfully obstructing any Inspecting Engineer in the execution of his duty shall, on conviction before a Justice of the Peace having jurisdiction in the place where the offence has been committed, forfeit and pay for every such offence any sum not exceeding forty dollars, and in default of payment of any penalty so adjudged, immediately, or within such time as the said Justice of the Peace appoints, the same Justice, or any other Justice having jurisdiction in the place where the offender resides, may commit the offender to prison for any period not exceeding three months; but such commitment shall be determined on payment of the amount of the penalty; and every such penalty shall be returned to the next ensuing Court of General or of Quarter Sessions in the usual manner.

Punishment of officers, &c., contravening by-laws, &c.

78. If any officer or servant of, or person employed by any Railway Company, wilfully or negligently contravenes any By-Law or regulation of the Company lawfully made and in force, or any Order or Notice of the Railway Committee, or of the Inspecting Engineer or Engineers, of which a copy has been delivered to him, or has been posted up or open to his inspection in some place where his work or his duties, or any of them, are to be performed, then if such contravention causes injury to any property or to any person, or exposes any property or any person to the risk of injury, or renders such risk greater than it would have been without such contravention, although no actual injury occurs, such contravention shall be a misdemeanor, and the person convicted thereof shall in the discretion of the Court before whom the conviction is had, and according as such Court considers the offence proved to be more or less grave, or the injury or risk of injury to person or property to be more or less great, be punished by fine or imprisonment, or both, so as no such fine exceeds four hundred dollars, nor any such imprisonment the term of five years; and such imprisonment, if for over two years shall be in the Penitentiary.

Penalty in certain cases, and how recovered.

79. If such contravention does not cause injury to any property or person, nor expose any person or property to the risk of injury, nor make such risk greater than it would have been without such contravention, then the officer, servant or other person guilty thereof, shall thereby incur a penalty not exceeding the amount of thirty days' pay, nor less than fifteen days' pay of the offender from the Company, in the discretion of the Justice of the Peace before whom the conviction is had; and such penalty shall be recoverable with costs before any one Justice of the Peace having jurisdiction where the offence has been committed, or where the offender is found, on the oath of one credible witness other than the informer.

80. One moiety of such penalty shall belong to Her Majesty Application of. for the public uses of Canada, and the other moiety to the informer, unless he be an officer or servant of, or person in the employ of the Company, in which case he shall be a competent witness and the whole penalty shall belong to Her Majesty for the uses aforesaid.

81. The Company may in all cases under the three next preceding sections pay the amount of the penalty and costs, The Company may pay penalty and deduct from wages. and recover the same from the offender or deduct it from his salary or pay.

APPLICATION OF PENALTIES.

82. All penalties recovered under this Act, in respect to the application of which no other provision is made, shall be paid to the Receiver General of Canada to the credit of "The Railway Inspection Fund." How penalties recovered and applied.

RAILWAY FUND.

83. Every Railway in Canada to which this Act applies, shall so soon as any portion thereof is in use, pay to the Receiver General an annual rate to be fixed by the Railway Committee not exceeding ten dollars per mile of Railway constructed and in use: such rate to be paid half-yearly on the first days of January and July in each year, and to form a special fund for the purposes of this Act, to be called "The Railway Inspection Fund." Railway Inspection Fund.

CERTAIN SECTIONS LIMITED.

84. In the constructions of the provisions of this Act, from and including section twenty-three, the expression "Railway Company" or "Company" shall include any person being the owner or lessee of or a contractor working any railway constructed or carried on under the powers of an Act of Parliament. What the words "Railway Company," shall include.

at VICTORIA, CAP. XLIII.

An Act to enable certain Railway Companies to provide the necessary accommodation for the increasing traffic over their Railways, and to amend the Railway Act, 1868.

[Assented to 14th April, 1871.]

WHEREAS, it may happen that a Railway Company Preamble. whose Railway is subject to the Legislative authority of the Parliament of Canada, as connecting one Province in the Dominion with another or others, or as extending beyond the limits

limits of one Province, or as having been declared by Parliament to be for the general advantage of Canada, or for the advantage of two or more Provinces, may from the increase of the traffic on such Railway and those connected with it, require at certain stations or places, more ample space for the proper accommodation of such traffic and of the public, than they now possess, or than they can take or acquire under the Act or Acts incorporating or applying to such Company, and it is necessary in the public interest and for the extension of the commerce of the Dominion, that the most ample accommodation should be furnished for such traffic; And whereas it is also expedient to make certain amendments to The Railway Act, 1868; Therefore Her Majesty by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Proceeding when more space is required for accommodation of the traffic at any station or place.

1. Whenever any Railway Company subject for any of the causes mentioned in the preamble to the Legislative authority of the Parliament of Canada (and whether "The Railway Act, 1868," does or does not for other purposes apply to such Company or their Railway), requires at any station or place on the line of such Railway, more ample space for the convenient accommodation of the public and of the traffic on the Railway, than they then possess, or can take without the consent of the proprietors thereof, the Company may cause a plan to be made of the additional ground required at such station or place for the purposes aforesaid, not being in actual use for similar purposes by any other Railway Company, (and for the purpose of making such plan shall have the powers granted to Railway Companies for making surveys by the seventh section of "The Railway Act, 1868,") and may transmit such plan to the Minister of Public Works, with an application (supported by affidavit) on behalf of the Company, referring to such plan and stating that certain ground shewn thereon is necessary for the purposes aforesaid, and that no other ground suitable for the purpose can be acquired at such place on reasonable terms and with less injury to private rights, and requesting the Minister to authorize the taking thereof for such purpose under this Act, of which application ten days' notice shall be given to the owner or possessor of such property, and the correctness of the plan and the truth of the allegations in such application shall be certified by the President or one of the Directors of the Company, and by their Engineer, and such plan and statement shall be made and transmitted to the Minister in duplicate.

Certificate of Commissioner of Public Works required.

2. The Minister of Public Works shall enquire into the correctness of the plan and the truth of the allegations of the application aforesaid, and being satisfied thereof, shall grant a certificate to that effect, and declaring it to be necessary in the public interest, that the ground shewn on such plan, or any less

less quantity, should be acquired by the Company; and such certificate shall be annexed to one of the duplicates of the said plan and statement, and the other duplicate shall remain in the office of the Minister.

3. Upon the granting of such certificate as aforesaid, by the Minister of Public Works, and by virtue thereof, the Company shall have power to take the ground shewn on the said plan as required for the purposes aforesaid, without the consent of the proprietors, and the Company and all corporations or parties who could not otherwise convey the same to the Company, shall have, with respect to any such ground, all the powers granted by the ninth section of "The Railway Act, 1868," headed "Lands and their valuation," to Railway Companies, corporations, and parties who could not otherwise convey the same, with respect to lands which may be taken without the consent of the proprietors thereof; and the enactments and provisions of the said section, except such as refer to the map or plan and book of reference therein mentioned, or as limit the extent of land to be taken, shall apply and are hereby extended to the ground mentioned in the said certificate of the Minister of Public Works, and to all the proceedings connected with or consequent upon the acquiring or taking of such ground or any part thereof, with or without the consent of the proprietor; and if at any time thereafter the Company shall not require the whole or any portion of the land acquired under this Act for Railway purposes, then such land as is not so required shall be sold by auction after thirty days' notice thereof in any local newspaper.

Effect of such certificate, and application of certain provisions of the Railway Act to the land certified as necessary.

Sale of land taken and not afterwards required.

4. Any such certificate as aforesaid, purporting to be signed by the Minister of Public Works, shall be received as authentic in all courts of law or equity, without proof of such signature or other evidence, unless its authenticity be called in question on behalf of the Crown.

Proof of Certificate

5. Subsection four of section twenty of The Railway Act, 1868, is hereby amended, by adding thereto, after the word "Company" therein, the following words:

Sub-section 4, of s. 20, of 31 V., c. 68 amended.

"From which action the Company shall not be relieved by any notice, condition or declaration, if the damage arises from any negligence or omission of the Company or of its servants."

6. It shall be the duty of every Railway Company, when any passenger train shall be overdue for half an hour at any station, according to the time table of such Company, to put up on the outside of the Station House over the platform of the station in some conspicuous place, a written or printed notice signed by the Station Master, stating to the best of his knowledge and belief, the time when such overdue train may

Duty of Company as to passenger trains delayed.

be

be expected to reach such station; and every Railway Company shall be liable to an action by any passenger awaiting the train at such station, for any neglect or omission of this duty, in which action full costs of suit may be recovered.

To what rail-
ways this Act
applies.

7. The provisions of this Act shall apply to every Railway Company heretofore, or which may be hereafter incorporated, and to every Railway heretofore constructed, or now in course of construction or hereafter to be constructed, as well as to those Railways and Railway Companies to which the said "The Railway Act, 1868," is by its provisions declared to be applicable.

36 VICTORIA. CAP. LXXX.

An Act to amend the general Acts respecting Railways.

[Assented to 23rd May, 1873]

IN amendment of the general Acts respecting railways, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. Each and every railway company heretofore incorporated or which may hereafter be incorporated, and subject to the jurisdiction of the Parliament of Canada, as well as the Government of Canada, with respect to all railways constructed by, or being the property or under the control of, the Dominion of Canada, shall have the right, on and after the first day of November in each year, to enter into and upon any lands of Her Majesty, or into and upon the lands of any corporation or person whatsoever, lying along the route or line of any railway, and to erect and maintain snow fences thereon, subject to the payment of such land damages (if any) as may be thereafter established, in the manner provided by law with respect to such railway, to have been actually suffered: Provided always, that any snow fences so erected shall be removed on or before the first day of April then next following.

2. For the purpose of connecting any town, village, manufactory or manufactories, mine or mines, in the Dominion of Canada, with any railway owned or worked by any railway company whose line of railway is subject to the legislation of the Parliament of Canada, and for the purpose of giving increased facilities to business, it shall be lawful for any such railway

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railway company to build, make and construct sidings or branch lines not to exceed in any one case six miles in length; and for that purpose every such railway company shall have all the powers given them by "*The Railway Act, 1868*," with respect to their main lines; and each and all the provisions of the said Act, shall apply to every such siding or branch line, and the construction thereof, as well as to the main line.

3. Provided always that no railway company shall proceed to locate or build any branch line under this Act, until public notice shall have been given for six weeks, in some newspaper published in the county or counties through or in which such branch line is to be made, that it is the intention of such company to apply to the Governor in Council to sanction the building of such branch line, and to appropriate the necessary lands for that purpose under the compulsory powers in "*The Railway Act, 1868*," nor unless such company shall prior to the first publication of such notice have deposited in the Registry Office of the county within which the line is to be constructed, the map and plans indicating the location of the line; nor until such company shall have submitted the same to, and such plans shall have been approved by the Governor in Council at the expiration of the notice.

4. The order of the Governor in Council approving the construction of any such branch line shall limit the time, not exceeding two years from the date of such order, within which such company may exercise the powers hereunder given in respect of such line.

36 VICTORIA, CAP. LXXXI.

An Act to amend the Act, thirty-fourth Victoria, chapter forty-three, intituled "An Act to enable certain Railway Companies to provide the necessary accommodation for the increasing traffic over their Railways, and to amend the Railway Act, 1868."

[Assented to May 23rd 1873.]

HER MAJESTY, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

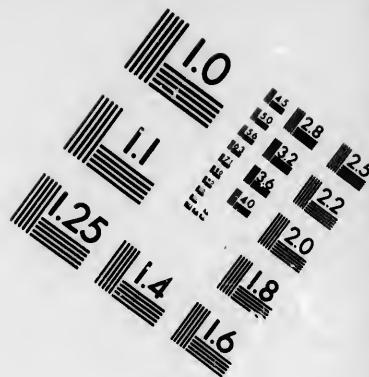
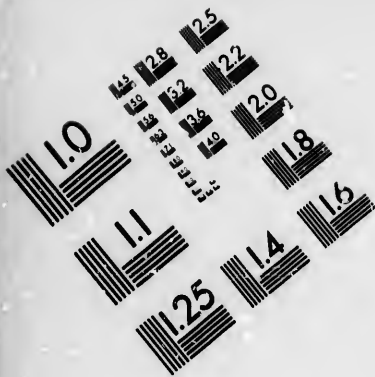
1. The sixth section of the Act passed in the thirty-fourth year of Her Majesty's reign, chapter forty-three, is hereby repealed, and the following section is hereby substituted for it.

"6.

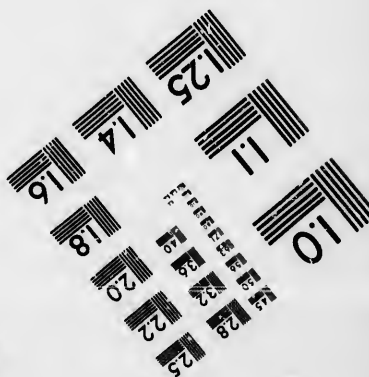
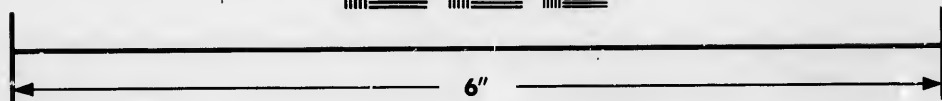
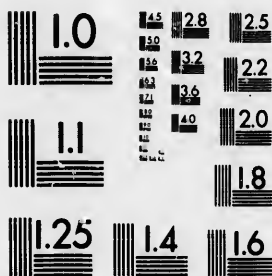
"6. It shall be the duty of every railway company, upon whose road there is a telegraph line in operation, to have a blackboard put upon the outside of the Station House, over the platform of the station, in some conspicuous place, at each station of such Company at which there is a telegraph office; and when any passenger train is overdue for half an hour at any such station according to the time table of such Company, it shall be the duty of the Station Master or person in charge at such Station to write or cause to be written with white chalk on such blackboard a notice in English and French in the Province of *Quebec* and in English in the other Provinces, stating to the best of his knowledge and belief the time when such overdue train may be expected to reach such station; and if when that time has come, the train has not reached the station, it shall be the duty of the Station Master or person in charge at the station to write or cause to be written in the blackboard in like manner, a fresh notice stating to the best of his knowledge and belief the time when such overdue train may then be expected to reach such station; and every such Railway Company, Station Master or person in charge at any such Station shall be liable to a penalty not exceeding five dollars for any wilful neglect, omission or refusal to obey the provisions aforesaid; and any proceeding for the recovery of any such penalty may be brought in the Province of *Quebec*, before any two Justices of the Peace or before the Circuit Court of the District, or of the County in which district or county such Station is situate, and in the other Provinces before any two justices of the Peace, or the stipendiary or Police Magistrate for the City, Town, District or County in which such Station is situate; the penalty recoverable under the provisions of this section shall belong to the Crown, and every proceeding brought by virtue of this section shall be commenced within one month following the commission of the offence and not after; but nothing in this section shall prejudice the right of any person to the recovery of damages from any such Railway Company by reason of the detention of trains as aforesaid; and every such Railway Company is hereby required to have a printed copy of this section posted up in a conspicuous place at each of its Stations at which there is a telegraph office."

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