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R.

BILL.

**AN ACT to provide for the formation of
Incorporated Railroad Companies,
and to regulate the same.**

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HON. JAMES MORRIS.

(250 Copies.)

198

BILL.

AN ACT to provide for the formation of Incorporated Railroad Companies, and to regulate the same.

WHEREAS it is expedient to facilitate the formation, Preamble.
without the direct intervention of Parliament in each case, of Joint Stock Companies, with certain corporate powers, for the purpose of constructing, maintaining and working Railroads, and to provide for the regulation of Companies so formed :

Be it therefore enacted, &c.,

That any number of persons, not less than twenty-five, may form a Company for the purpose of constructing, maintaining and working a Railroad for public use, the conveyance of persons and property, and for that purpose may make and sign articles of association, in which shall be stated the name of the Company, the number of years the same is to continue, the places from and to which the Road is to be constructed, maintained and worked, the length of such Road as near as may be, and the name of each County in this Province through or into which it is intended to be made. the amount of the Capital Stock of the Company, which shall not be less than two thousand five hundred pounds for every mile of Road proposed to be constructed, and the number of Shares of which said Capital Stock shall consist, and the names and places of residence of thirteen Directors of the Company, who shall manage its affairs for the first year, and until others are chosen in their places; and each subscriber to such articles of association shall subscribe thereto his name, place of residence, and the number of Shares of Stock he agrees to take in said Company.

Twenty-five or more persons may form a Railroad Company, by entering into certain Articles of Association.

II. And be it enacted, that such articles of association may be filed in the office of the Provincial Secretary, who shall endorse thereon the day they are filed, and record the same in a book to be provided by him for that purpose; and thereupon the persons who have so subscribed such articles of association, and all persons who shall become Stockholders in such Company, shall be one body politic and corporate, by the name specified in such articles of association, and by that name shall have perpetual succession, and a common seal, with power to break, alter and make new the same, and by

Signers of Articles to become a Corporation upon filing them in the Provincial Secretary's office.

that name shall and may sue and be sued, contract and be contracted with, and shall also have full power and authority to acquire and hold real and immoveable property for the use of their said undertaking, without letters of mortmain or *lettres d'amortissement*, and without incurring any of the forfeitures and penalties of the statutes of mortmain: Provided always, that such articles of association shall not be filed and recorded in the office of the Provincial Secretary until at least two hundred and fifty pounds of Stock for every mile of Road proposed to be made is subscribed thereto, and ten per cent actually paid thereon in cash to the Directors named in such articles of association, nor until there is endorsed thereon, or annexed thereto, an affidavit made by at least three of the Directors named in said articles, that the amount of Stock required by this Section has been actually subscribed, and ten per cent paid thereon in cash, as aforesaid, and that it is intended in good faith to construct, maintain and work the Road mentioned in such articles of association, which affidavit shall be recorded with the articles of association, as aforesaid.

Proviso—Articles to be filed only after certain affidavit made.

Copy of Articles and affidavit to be presumptive evidence of facts stated therein and of incorporation.

III. And be it enacted, that a copy of any articles of association filed and recorded in pursuance of this Act, with a copy of the affidavit aforesaid endorsed thereon or annexed thereto, and certified to be a true copy by the Provincial Secretary, shall be presumptive evidence of the incorporation of such Company, and of the facts stated in such articles and affidavits.

When Articles are recorded Directors may open Books of Subscription.

IV. And be it enacted, that when such articles of association and affidavit are filed and recorded in the office of the Provincial Secretary, the Directors named in said articles of association may, in case the whole of the Capital Stock is not before subscribed, open books of subscription to fill up the Capital Stock of the Company, in such places, and after giving such notice, as they may deem expedient, and may continue to receive subscriptions until the whole Capital Stock is subscribed; and that at the time of subscribing every subscriber shall pay to the Directors ten per cent on the amount subscribed by him in money, and no subscription shall be received or taken without such payment.

No subscription to be taken without payment of ten per cent.

Election, number and qualification of Directors, and appointment of officers.

V. And be it enacted, that there shall be a Board of thirteen Directors of every Corporation formed under this Act, to manage its affairs, who shall be chosen annually by a majority of the votes of the Stockholders voting at such election, in such manner as may be pre-

scribed in the by-laws of the Corporation; and they may and shall continue to be Directors until others are elected in their places; and if an election of Directors in any such Corporation shall not be held on the day appointed by its articles or by-laws, it shall be the duty of the Directors to notify and cause such election to be held within sixty days after the day so appointed; and 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, by such articles or by-laws, it ought to have been held; and vacancies in the Board of Directors shall be filled in such manner as may be prescribed by the by-laws of the Corporation; and no person shall be a Director unless he be a Stockholder, owning Stock absolutely in his own right, and qualified to vote for Directors at the election at which he shall be chosen; and the Directors shall appoint one of their number President, and may appoint a Treasurer and Secretary, and such other officers, agents and servants as shall be prescribed by the by-laws of the Corporation.

VI. And be it enacted, that three Scrutineers of the first election of Directors shall be appointed by the Board of Directors named in the articles of association; and that at every election of Directors three persons shall be chosen by the persons present and entitled to vote for Directors, as Scrutineers at the next succeeding election; and any two of such Scrutineers shall be competent to act; and the Directors shall supply any vacancy that may occur by the death or removal from the Province of any such Scrutineer, or by his refusal to serve, or neglect to attend on the day of election; and no person shall be chosen or appointed a Scrutineer of an election of Directors in a Corporation of which he shall be a Director or officer. Every such Scrutineer, before he shall enter on the duties of his office, shall take and subscribe the following oath, before any one of the Justices of the Peace for the County or District in which the election is held, who are hereby authorized to administer the same, viz:—"I do solemnly swear that I will execute the duties of a Scrutineer of the election of Directors now to be held, with strict impartiality, and to the best of my ability."

Three Scrutineers to be appointed for each election of Directors.

Oath to be taken by Scrutineers.

VII. And be it enacted, that every corporation formed under this Act shall keep a book, in which all transfers of shares of its stock shall be registered, and another book containing the names of its Stockholders, which

Transfer and other books to be kept, and to be produced at elections of Directors

books shall at all times during the usual hours of business for thirty days previous to an election of Directors, be open to the examination of the Stockholders; and if any officer having charge of such books shall, upon the demand of a Stockholder, refuse or neglect to exhibit them and submit them to examination, he shall for every such offence forfeit the sum of £2 10s.; and at every election of Directors, the said books of the corporation shall be produced, to test the qualifications of the voters; and no person shall be permitted to vote, directly or by proxy, except those in whose names the shares of the stock of the corporation shall stand on such books, and shall have so stood for at least thirty days previous to the election, who shall have one vote for each share of stock so held by them; and no person shall be admitted to vote on any shares of stock belonging or hypothecated to the corporation in which the election is held, nor on any shares of stock hypothecated or pledged as collateral security to any other person or company, nor on any shares which shall have been transferred to him for the sole purpose of enabling him to vote thereon at the election then to be held, nor upon any shares which he shall have previously contracted to sell or transfer after the election, upon any condition, agreement or understanding in relation to his manner of voting at such election; and every person offering to vote may be challenged by any other person authorized to vote at the same election, and to every person so challenged one of the scrutineers shall administer the following oath, viz: "I do solemnly swear, that the shares on which I now offer to vote do not belong and are not hypothecated to [naming the corporation for which the election is held] and that they are not hypothecated or pledged to any other corporation or person whatsoever, that such shares have not been transferred to me for the purpose of enabling me to vote thereon at this election, and that I have not contracted to sell or transfer them or any of them, upon any condition, agreement or understanding in relation to my manner of voting at this election"; and no person shall be permitted to vote upon the proxy of a Stockholder, unless he shall produce, annexed to his proxy, an affidavit of such Stockholder, stating the same facts to which the oath of such Stockholder might have been required, upon a challenge, had he offered to vote in person on the shares mentioned in the proxy; and if any person offering to vote upon a proxy shall be challenged by an elector, he shall be required to take the following oath, to be administered to him by one of the scrutineers, viz:

Qualification of voters at elections of Directors.

Oath to be taken by voter if challenged.

Affidavit to be annexed to proxies.

Oath to be taken by proxy if challenged.

“ I do solemnly swear, that the facts stated in the affidavit
 “ annexed to the proxy upon which I now offer to vote,
 “ are true to the best of my knowledge and belief, and
 “ that I have made no contract or agreement whatever
 5 “ for the purchase or transfer of the shares or any of the
 “ shares mentioned in such proxy;” and if any person
 duly challenged shall refuse to take the proper oath, his
 vote shall be rejected, and shall not be afterwards
 received at the same election; but if he take the oath, his
 10 vote shall be received.

VIII. And be it enacted, that the Directors of any
 corporation formed under this act may require the sub-
 scribers to the capital stock thereof to pay the amount
 by them respectively subscribed, in such manner and in
 15 such instalments as they may deem proper; and if any
 Stockholder shall neglect to pay any instalment as
 required by a resolution of the Board of Directors, the
 said board may declare his stock and all previous pay-
 ments thereon forfeited to the use of the corporation;
 20 but not unless they shall have caused to be served upon
 him personally, or left at the post-office nearest to his
 place of residence, at least sixty days previous to the day
 on which such payment is required to be made, a notice
 properly directed to such Stockholder, stating that he is
 25 required to make such payment at the time and place
 specified in such notice, and that if he fails to make the
 same, his stock and all previous payments thereon will
 be forfeited for the use of the corporation.

Directors may call for instalments on stock subscribed, and declare it forfeited in case of non-payment, after notice.

IX. And be it enacted, that the stock of every cor-
 30 poration formed under this Act shall be deemed personal
 estate, and shall be transferable in the manner prescribed
 by the by laws of the company; but no shares shall be
 transferable until all previous calls thereon shall have
 been fully paid in; and it shall not be lawful for such
 35 corporation to use any of its funds in the purchase of
 any of its own stock; or that of any other corporation.

Stock to be deemed personal estate, and how transferable.

X. And be it enacted, that in case the capital stock
 of any corporation formed under this Act is found to be
 insufficient for constructing, maintaining and working
 40 the road described in its articles of association, such
 corporation may, with the concurrence of two-thirds in
 amount of all its stockholders, increase its capital stock
 from time to time to any amount required for the pur-
 pose aforesaid; but such increase must be sanctioned
 45 by a vote in person or by proxy of at least two-thirds in
 amount of all the Stockholders of the corporation; at a

Two-thirds in amount of Stockholders may sanction increase of capital stock-proceedings for that purpose.

meeting of such Stockholders, called by the Directors of the corporation for that purpose, by a notice in writing to each Stockholder, 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 5 previous to such meeting, stating the time and place fixed for the meeting, its object, and the amount to which it is proposed to increase the capital stock of the corporation; and the proceedings of such meeting must be entered on the minutes of the proceedings of the cor- 10 poration, and thereupon the capital stock of the corporation may be increased to the amount, sanctioned by a vote of two-thirds in amount of the Stockholders of the corporation as aforesaid.

Liability of
Stockholders
individually.

XI. And be it enacted, that each Stockholder of any 15 corporation formed under this Act, shall be individually liable to the creditors of such corporation to an amount equal to the amount unpaid on the stock held by him for all the debts and liabilities of such corporation, until the whole amount of the capital stock so held by him shall 20 have been paid to the corporation; and all the Stockholders of every such corporation shall be jointly and severally liable for all the debts due or owing to any of its labourers and servants for services performed for such corporation, but shall not be liable to an action therefor 25 before an execution against the corporation shall have been returned unsatisfied in whole or in part, and then the amount due on such execution shall be the amount recoverable with costs against such Stockholders.

Executors,
&c., holding
stock not to be
personally
liable as
Stockholders.

XII. And be it enacted, that no person holding stock 30 in any such corporation as an executor, administrator, tutor, curator, guardian or trustee, and no person holding such stock as collateral security, shall be personally subject to any liability as a Stockholder of such corpora- 35 tion; but the person pledging such stock shall be considered as holding the same, and shall be liable as a Stockholder accordingly, and the estates and funds in the hands of such executor, administrator, tutor, curator, guardian or trustee, shall be liable in like manner and to 40 the same extent as the testator or intestate, or the minor, interdicted person, ward, or person interested in the trust fund would have been if he had been living and competent to act, and held the same stock in his own name.

Corporation
liable for thirty
days' wages
of laborer un-
paid by con-
tractors.

XIII. And be it enacted, that as often as any con- 45 tractor for the construction of any part of a railroad which is in progress of construction by a corporation

formed under this Act, shall be indebted to any labourer for thirty or any less number of days' labour performed in constructing said road, such labourer may give notice of such indebtedness to such corporation in the manner herein provided, and said corporation shall thereupon become liable to pay such labourer the amount so due to him for such labour, and an action may be maintained by him against such corporation therefor; Proviso—notice must be given within twenty days. Provided always, that such notice shall be given by such labourer to such corporation within twenty days after the performance of the number of days' labour for which his claim is made, and shall be in writing, and shall state the amount, and number of days' labour for which the claim is made, and the time when and the name of the contractor for whom the same were performed, and shall be signed by the labourer or his attorney, and shall be served on an engineer, agent, or superintendent employed by the said corporation, and having charge of the section of the road on which such labour was performed; personally or by leaving the same at the office or usual place of business of such engineer, agent or superintendent, with some person of suitable age: and provided also, that no action shall be maintained against any corporation under the provisions of this section, unless the same have been commenced within thirty days after notice given to the corporation by such labourer, as above provided. Proviso—action limited to thirty days after notice.

XIV. And be it enacted, that any number of persons, not less than thirteen, intending to form a Corporation under the provisions of this Act, and every Corporation that may hereafter be formed under this Act, may present a petition to the Parliament of this Province, stating the place from and to which they propose to construct their Road, and its location and route with reasonable certainty, or that they intend to run the said Road on the most direct and eligible route between the given points of termination, and praying the Provincial Parliament to determine whether the construction of the said proposed Road will be of sufficient public use to justify the taking of private property for the construction thereof; and if the Provincial Parliament shall determine and decide by law that such proposed Road will be of sufficient public utility to justify the taking of private property for the construction thereof, then such Corporation, when formed under the provisions of this Act, may enter upon, take possession of, and use all such land, real estate and property as may be required for the construction of said Road, and the convenient accommo- Proceedings for obtaining power to take lands for rail-road.

Proviso.

dations appertaining thereto, making compensation in the manner hereinafter provided, for all land, real estate, and property thus taken possession of and used, except such as may be voluntarily given to, or purchased at an agreed price by the said Corporation: Provided always, 5 that no such Corporation shall carry their Road along any street or existing highway, but merely cross the same in the line of the said road, except upon leave obtained from the proper municipal authority of the city, county, town, township or village; and before they shall 10 in any way obstruct such street or highway with their works, they shall turn the said highway or street at their own charges, so as to leave an open and good passage for carriages free from obstructions; and when their works are completed, they shall replace the said 15 highway or street, under a penalty of 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 20 an obstruction.

Power to enter on lands for purpose of surveying, &c.

Map or plan of Road and book of reference to be made.

XV. And be it enacted, that for the purposes aforesaid, any such thirteen or more persons, or any corporation formed under this act, their deputies, servants, agents and workmen, are hereby authorised and empowered to enter into and upon any lands and grounds, 25 stateleer and property of Her Majesty, or of any person or persons, bodies politic, corporate or collegiate, or other parties or communities whatsoever, and to survey and take level of the same, or any part thereof, and to set out and ascertain such parts thereof as they 30 shall think necessary and proper for constructing, maintaining and working such intended road, and the convenient accommodations appertaining thereto; and every corporation formed under this Act, whether authorised by Act of Parliament to enter upon, take possession of and use private property as aforesaid or not, 35 before proceeding to construct any part of the road described in their articles of association, shall and may by some sworn land surveyor, and by an engineer or engineers by them to be appointed, cause to be taken 40 and made surveys and levels of the land through which their Railroad is to be carried, together with a map or plan of such Railroad, and of the course and direction thereof, and of the said lands through which the same is to pass, and of the lands intended to be taken for the 45 several purposes authorised by this Act, so far as then ascertained, and also a book of reference for the Railroad, in which shall be set forth a general description of the

said several lands, and the names of the owners, occupiers, and proprietors thereof, so far as they can be ascertained by such corporation, and in which shall be contained every thing necessary for the right understanding of such map or plan, one copy whereof shall be deposited in the office of the Clerk of the Municipal Council for each of the Counties through which the said Railroad is intended to be carried, and another in the office of such corporation, and all persons shall have liberty to resort to such copies so to be deposited as aforesaid, and to make extracts or copies thereof as occasion shall require.

And copies thereof to be deposited, &c.

XVI. Provided always, and be it enacted, that where such Railroad shall cross any highway (which word shall in this Act include all public roads, streets, lanes and other public ways or communications), without being carried either over the same by a bridge or under the same by a tunnel, neither the rail nor any part of the Railroad or works connected therewith, shall rise above, or sink below the level of such street or highway more than one inch; and the Railroad may be carried across any highway within the limits aforesaid.

Where Railroad crosses any highway, the rail, &c., to be within one inch of surface.

XVII. Provided always, and be it enacted, that where any bridge shall be erected or made by such Corporation for the purpose of carrying their Railroad over or across any highway, the space of the arch of any such bridge shall be formed and shall at all times be and be continued of such breadth as to leave a clear and open space under every such arch of not less than twenty feet and 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 breadth of arch of bridges over highway.

Descent under such bridges.

XVIII. Provided always, and be it enacted, that in all places where it may be necessary to erect, build or make any bridge or bridges for carrying any highway over the Railroad, the ascent of every such bridge for the purpose of every such highway 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 such bridge, which fence shall not be less than four feet above the surface of such bridge.

Ascent of bridges over Railroad.

Fence to bridge.

XIX. Provided always, and be it enacted, that such Corporation shall, at each and every place where their

Sign-board to be erected whenever a

Railroad crosses a highway on a level.

Railroad shall cross any highway on a level, erect and keep up a sign-board stretching across the highway at such height as to leave sixteen feet from the highway to the lower edge of the sign-board, and having the word, "RAILWAY CROSSING" painted on each side of such signboard, and in letters not less than six inches in length; and for each and every neglect to comply with the requirements of this section such Corporation shall incur a penalty not exceeding

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Railroad not to deviate more than one mile from line in map.

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

Land within above limits may be taken, notwithstanding error in book of reference.

XXI. And be it enacted, That such Corporation, if authorised by Act of Parliament as aforesaid, may make, carry or place their Railroad and works into, across or upon the lands of any person or party whomsoever on the line aforesaid, or within the distance aforesaid from such line, although the name of such party be not entered in the said book of reference, through error, want of sufficient information, or any other cause, or although some other person or party be erroneously mentioned as the owner of or party entitled to convey, or interested in such lands.

Lands taken without consent of owners, not to exceed thirty yards in width, except in certain cases

XXII. And be it enacted, That the lands or grounds to be taken or used for such Railroad, and the ditches, drains and fences to separate the same from the adjoining lands, shall not exceed thirty yards in breadth except in such places where the said Railroad shall be raised more than five feet higher, or cut more than five feet deeper than the present surface of the land, or in such places where it shall be judged necessary to have off-sets for the locomotives or other engines and carriages using such Railroad to be or pass each other (and not above one hundred yards in breadth in any such place), or where any houses,

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warehouses, wharves, toll-houses, watch-houses, weighing-beams, cranes, fixed engines or inclined planes, may be intended to be erected, or goods, wares or merchandize be delivered; (and then not more than two hundred yards in 5 length by one hundred and fifty yards in breadth), without the consent of some party who can, under the provisions of this Act, convey such lands to such Corporation, and the places at which such extra breadth is to be taken, shall be shown on the said map or plan, so far as the same 10 may be then ascertained, but their not being so shewn shall not prevent the Corporation, if authorized as aforesaid, from taking such extra breadth provided it be taken upon the line shewn or within the distance aforesaid from such line: Provided always, that no land shall be taken 15 by such Corporation from any public highway; (except only as hereinbefore provided), but their right shall be limited to the laying down across the same, that is in the line of the said Railway at whatever angle it may intersect such highway, the rails and other contrivances forming part of the said Railway, subject to the limitations mentioned in the fourteenth Section, or any other part of this Act; nor shall any land or property vested in Her Majesty, or in the Principal Officers of Her Majesty's Ordnance in Great Britain, or any other party in trust for 20 Her Majesty, except under the next following sections, be taken by any such Corporation without the consent of Her Majesty or of the party in whom the same shall be vested in trust for Her Majesty.

XXIII. And be it enacted, That it shall be lawful for 30 any such Corporation authorized by Act of Parliament as aforesaid, to take, use, occupy and hold, but not to alienate so much of the public beach or of the land covered with the waters of any Rivers or Lake in this Province (not exceeding the quantity limited in the next preceding section;) as may be required for the Railroad and other works which they are authorized to construct, doing no damage to nor causing any obstruction in the navigation of the said Rivers or Lakes.

XXIV. And be it enacted, That after any lands or 40 grounds shall be set out and ascertained in manner aforesaid, for constructing, maintaining and working any such Railroad, and the convenient accommodations appertaining thereto; it shall and may be lawful for all bodies politic, corporate or collegiate, corporations aggregate or sole, 45 communities, tenants in tail or for life, guardians, tutors, curators, executors, administrators, and all other trustees or persons whatsoever, not only for and on behalf of them-

Proviso as to highways, and lands vested in Her Majesty. &c.

Beds of Rivers and Lakes may be taken by any Corporation, with authority of Parliament.

Bodies politic and persons holding lands *en autre droit*, may sell lands set out to Corporation.

selves and their successors, but also for and on behalf of those whom they represent, whether infants, minors, interdicted persons, issue unborn, lunatics, idiots, *femes-covert*, or other persons or parties who are or shall be seized, possessed of or interested in any lands or grounds which shall be so set out and ascertained as aforesaid; or any part thereof, to contract for, sell and convey unto any Corporation formed under this Act, all or any part of such lands or grounds which shall under this Act be set out and ascertained as aforesaid; and that all contracts, agreements, sales, conveyances and assurances so to be made, shall be valid and effectual in law to all intents and purposes whatever; any law, statute, usage or custom to the contrary thereof in any wise notwithstanding; and that all bodies politic, corporate or collegiate, or communities, and all persons whatsoever, so conveying as aforesaid, are hereby indemnified for what he, she, or they, or any of them respectively do by virtue of or in pursuance of this Act: Provided always, that before the map or plan and book of reference shall be deposited as aforesaid, and before the lands required for the said Railroad and works shall be set out and ascertained, it shall be lawful for any party who might under this Act convey any lands to any such Corporation, if the same were so set out and ascertained, to agree with the Corporation for the price to be paid for such lands if they shall be thereafter so set out and ascertained; and such agreement shall be binding, and the price agreed upon shall be the price to be paid by the Corporation for the same lands, if they shall be afterwards so set out and ascertained, within one year from the date of such agreement, and although such land may in the meantime have become the property of a third party; and possession of the same 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 mentioned, and the agreement shall be in the place of an award.

Proviso, as to agreement with Corporation before lands have been set out.

Compensation to be an annual rent in certain cases.

XXV. Provided always, and be it enacted, That any body politic, community, corporation or other like party, who cannot in common course of law sell or alienate any lands or grounds 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 or grounds so set out and ascertained as necessary for making such Railroad, and the convenient accommodations relative thereto and connected therewith; and in case the amount of such rent shall not be fixed by voluntary agreement or compromise, it shall be fixed in the manner hereinafter

prescribed, and all proceedings shall in that case be regulated as hereinafter prescribed; and for the payment of the said annual rent, and every other annual rent agreed upon or ascertained, and to be paid by such corporation for the purchase of any lands, or for any part of the purchase money of any lands, which the vendor shall agree to leave in the hands of such Corporation, the said Railroad and the Tolls to be levied and collected thereon shall be, and are hereby made liable and chargeable, in preference to all other claims and demands thereon whatsoever, created or accruing after the day of the deed creating such charge and liability being duly registered in the Registry Office of the proper County.

Railroad and
Tolls liable for
rents by pre-
ference, after
registration.

XXVI. Provided always, and be it enacted, That whenever there shall be more than one party proprietor of any land or property as joint-tenants or tenants in common, any agreement made in good faith between such Company and any parties proprietors or being together proprietors of one third or more of such land or property, as to the amount of compensation for the same or for any damages thereto, shall be binding as between the remaining proprietor or proprietors as joint-tenants or tenants in common and the Corporation; and the proprietor or proprietors who have so agreed, may deliver possession of such land or property to the Corporation, or empower them to enter upon the same, as the case may be.

Agreement
with proprietor
or tenant of
one undivided
third, to bind
co-proprietor
or co-tenant.

XXVII. And be it enacted, That so soon as the said map or plan and book of reference shall have been deposited as aforesaid, and notice of their being so deposited shall have been given during at least one calendar month, in at least one newspaper published in each of the Counties through which the Railroad is intended to pass, it shall be lawful for the Corporation, if duly authorized by Act of Parliament as aforesaid, to apply to the several owners of or parties hereby empowered to convey the lands through which such Railroad is intended to be carried, or which may suffer damage from the exercise of any of the powers granted to such Corporation by this Act, and to agree with such owners or parties respectively, touching the compensation to be paid to them by the said Corporation for the purchase thereof, and for their respective damages, and to make such agreements and contracts with the said 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 the said compensation to be paid for the same, or for the damages, shall be ascertained, as to such parties and the said Corporation

After notice of
deposit of plan
and book of
reference,
Corporation
may apply to
owners of
lands.

shall seem expedient; and in case of disagreement between the said Corporation and the said owners or parties or any of them, then all questions which shall arise between them and the said Corporation shall be settled as follows, that is to say :

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Notice of deposit to be deemed notice to all parties interested.

The deposit of the map or plan and book of reference, and the notice of such deposit, given as aforesaid, shall be deemed a general notice to all such parties as aforesaid, of the lands which will be required for the Railroad and works.

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Notice to be served on opposite party, with certificate of Surveyor.

The Corporation shall serve a notice upon the opposite party, containing—a description of the lands to be taken, or of the powers intended to be exercised with regard to any lands (describing them)—a declaration that the Corporation are ready to pay some certain sum (or rent, as the case may be,) as compensation for such lands or for the damages arising from the exercise of such power—and the name of a person whom they may appoint as their Arbitrator if their offer be not accepted—and such notice shall be accompanied by the certificate of some sworn Surveyor, disinterested in the matter, and not being the Arbitrator named in the notice, that the land (if the notice relate to the taking of land) is shown on the map or plan deposited as aforesaid, as being required for the said Railroad and works, or as being within the limits of deviation hereby allowed from the line of the said Railroad, that he knows such land, or the amount of damages likely to arise from the exercise of such powers, and that the sum so offered is in his opinion a fair compensation for such land and for such damages as aforesaid.

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Case of owner being absent or unknown provided for.

If the opposite party be absent from the County in which the lands lie or be unknown to the Corporation, then upon application to the County Judge for such County if in Upper Canada, or to some Judge of the Superior Court or Circuit Court if in Lower Canada, accompanied by such Certificate as aforesaid, and by an affidavit of some Officer of the Corporation, that such opposite party is so absent, or that after diligent inquiry the party on whom the notice ought to be served cannot be ascertained, such Judge shall order a notice as aforesaid (but without the certificate) to be inserted three times in the course of one calendar month in some newspaper published in the said County.

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Arbitrator to be named by

If within ten days after the service of such notice, or within one month after the last publication thereof as

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aforesaid, - the opposite party shall not notify to the Corporation, that he accepts the sum offered by the said Corporation, or notify to them the name of a person whom he appoints as Arbitrator, then such Judge as aforesaid shall, on the application of the said Corporation, appoint some sworn Surveyor to be sole Arbitrator for determining the compensation to be paid by the Corporation.

Judge, if not named by party rejecting offer of Corporation.

If the opposite party shall, within the time aforesaid, notify to the Corporation the name of the person such party shall appoint as Arbitrator, then the said two Arbitrators shall jointly appoint a third, or if they cannot agree upon a third, then the Judge shall, on the application of the said party or of the Corporation, (previous notice of at least one clear day having been given to the other party,) appoint a third Arbitrator.

Appointment of third Arbitrator.

The said Arbitrators or any two of them or the sole Arbitrator, being sworn before some Justice of the Peace for the County in Upper Canada, or District in Lower Canada, in which the lands lie as aforesaid, faithfully and impartially to perform the duties of their office, shall proceed to ascertain the compensation to be paid by the Corporation, in such way as they or he, or a majority of them, shall deem best, and the award of such Arbitrators, or of any two of them, or of the sole Arbitrator, shall be final and conclusive: Provided, that no such award shall be made or any official act done by such majority, except at a meeting held at a time and place of which the other Arbitrator shall have had at least one clear day's notice, or to which some meeting at which the third Arbitrator was present shall have been adjourned; and no notice to the Corporation or opposite party shall be necessary, but they shall be held sufficiently notified through the Arbitrator they shall have appointed or whose appointment they shall have required.

Arbitrators to settle compensation, after being sworn.

Proviso: nothing to be done except at a regular meeting of the arbitrators.

Provided always, if in any case where three Arbitrators shall have been appointed, the sum awarded be not greater than that offered by the Corporation the costs of the arbitration shall be borne by the opposite party, and deducted from the compensation, otherwise, they shall be borne by the Corporation, and in either case they may, if not agreed upon, be taxed by the Judge.

Costs of arbitration to be taxed by Judge, and paid by Corporation, unless offer be held sufficient.

The Arbitrators, or a majority of them, or the sole Arbitrator, may examine on oath or solemn affirmation, the parties or such witnesses as shall voluntarily appear before him or them, and may administer such oath or

Arbitrators may examine witnesses on oath, &c.

affirmation; and any wilful false statement 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 to be fixed by Judge.

The Judge by whom any third Arbitrator or sole Arbitrator shall be appointed, shall, at the same time, fix a day on or before which the award shall be made, and if the same be not made on or before such day, or some other day to which the time for making it shall have been prolonged, either by the consent of the parties, or by the order of the said Judge, (as it may be for reasonable cause shown, on the application of such sole Arbitrator or one of the Arbitrators after one clear day's notice to the others,) then the sum offered by the Corporation as aforesaid shall be the compensation to be paid by them. 5 10

In case of death, &c., of Arbitrator, another to be appointed by Judge.

If the party appointed by such Judge as third Arbitrator or sole Arbitrator shall die before the award be made, or shall be disqualified, or refuse or fail to act within a reasonable time, then upon the application of either party, the Judge being satisfied by affidavit or otherwise of such disqualification, refusal or failure, may, in his discretion, appoint another in his stead; and if the arbitrator appointed by the Corporation or by the opposite party shall die before the award shall be made, or shall leave the Province or become unable to act within a reasonable time, (such fact being ascertained to the satisfaction of the Judge as attested by his certificate to that effect,) the Corporation or the opposite party (as the case may be) may appoint another in his stead, notifying the other Arbitrators of such appointment; but no recommencement or repetition of prior proceedings shall be required in any case. 15 20 25 30

Corporation may desist from notice, on payment of costs.

The Corporation may desist from any such notice as aforesaid, and afterwards give new notice with regard to the same or other lands, to the same or any other party, but they shall in any such case be liable to the party first notified for all damages or costs by him incurred in consequence of such first notice and desistment. 35

Arbitrators not disqualified by certain circumstances.

It shall be no disqualification to the surveyor or other person offered or appointed as Valuator, or as Arbitrator, that he be professionally employed by the Corporation or by the opposite party, or that he have previously expressed an opinion as to the amount of compensation, or that he be related or of kin to any member of the Corporation, provided he be not himself personally interested in the amount of such compensation; and no cause of disqualifi- 40 45

cation shall be urged against any Arbitrator appointed by the Judge after his appointment, but shall be made before the same, and its validity or invalidity shall be summarily determined by such Judge; and no cause of disqualification shall be urged against any Arbitrator appointed by the Corporation or by the opposite party, after the appointment of a third Arbitrator; and the validity or invalidity of any cause of disqualification urged against any such Arbitrator, before the appointment of a third Arbitrator, shall be summarily determined by any Justice of the said Court on the application of either party, after one clear day's notice to the other; and if such cause be determined to be valid, the appointment shall be null, and the party offering the person so adjudged to be disqualified, shall be held to have appointed no Arbitrator.

Time for urging cause of disqualification.

Validity of cause to be summarily determined.

No award made as aforesaid shall be invalidated by any want of form or other technical objection, if the requirements of this Act shall have been complied with, and if the award shall state clearly the sum awarded, and the lands or other property, right or thing for which such sum is to be the compensation; nor shall it be necessary that the party or parties to whom the sum is to be paid be named in the award.

Awards not to be invalid for want of form, nor for want of naming the parties.

XXVIII. And be it enacted, that upon payment or legal tender of the compensation or annual rent so awarded, agreed upon or determined 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 Corporation the power forthwith to take possession of the lands or to exercise the right or to do the thing for which such compensation or annual rent shall have been awarded or agreed upon: and if any resistance or forcible opposition shall be made by any person or party 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 County in Upper Canada, or District in Lower Canada, or to any Bailiff (as in his discretion may be most suitable), to put the said corporation in possession, and to put down such resistance or opposition, which such Sheriff or Bailiff, taking with him sufficient assistance, shall accordingly do; Provided also, that 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 Railroad or works with which the said Corporation are

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

In case of resistance warrant of possession may issue.

Proviso.

ready forthwith to proceed, and upon the said Corporation giving security to his satisfaction, and in a sum which shall not be less than double the amount mentioned in the notice, or to pay or deposit the compensation to be awarded within one month after the making of the award, with interest from the time possession shall be given and with such costs as may be lawfully payable by the Corporation.

Compensation to stand instead of land in favor of claimant or incumbrancer.

XXIX. And be it enacted, that the compensation awarded as aforesaid or agreed upon by any such Corporation, and any party who might under this Act validly convey the lands, or then in lawful possession thereof as proprietor, for any lands which might be lawfully taken under this Act without the consent of the proprietor, shall stand in the stead of such land; and any claim to or incumbrance upon the said land, or any portion thereof, shall, as against such Corporation, be converted into a claim to the said compensation, or to a like proportion thereof, and they shall be responsible accordingly whenever they shall have paid such compensation or any part thereof, to a party not entitled to receive the same, saving always their recourse against such party: Provided always, that if the Corporation shall have reason to fear any such claims or incumbrances, or if any party to whom the compensation or annual rent or any part thereof shall be payable, shall refuse to execute the proper conveyance or guarantee, or if the party entitled to claim the same cannot be found, or be unknown to the Corporation, or if for any other reason the Corporation shall deem it advisable, it shall be lawful for them to pay such compensation into the office of the Court of Queen's Bench or of Common Pleas for Upper Canada, or of the Superior Court for Lower Canada, with the interest thereon for six months, and to deliver to the clerk or prothonotary of the said 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 said Corporation to the land therein mentioned; and notice in such form and for such time as the said Court shall appoint shall be inserted in the *Canada Gazette*, and such other newspaper as the Court shall designate for that purpose, and such notice shall state that the title of the Corporation, (that is the conveyance, agreement or award), is under this Act, and shall call upon all persons entitled to, or to any part of the land, 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

Proviso: certain steps to be taken by Corporation for the purpose of barring claims on land so taken.

Public notice to claimants shall be published in the *Canada Gazette*, &c.

shall for ever 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
 5 the compensation, and for the securing of the rights of all parties interested as to right and justice according to the provisions of this Act and to law, shall appertain; and the costs of the said proceedings or any part thereof,
 10 as the Court shall deem it equitable to order; and 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 Corporation, and if from any
 15 error, fault or neglect of the Corporation it shall not be obtained until after the six months are expired, the Court shall order the Corporation to pay to the proper claimants the interest for such further period as may be right.

Costs and interest, how paid.

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

Ordinary rules of law to apply to cases of land taken otherwise than under this Act.

XXXI. And be it enacted, That all suits for indemnity
 30 for any damage or injury sustained by reason of the powers and authority given by this Act shall be made within six calendar months next after the time of such supposed damage sustained, or in case there shall be a continuation
 of damage, then within six calendar months next after the
 35 doing or committing such damage shall cease, and not afterwards, and the Defendant or Defendants shall and may plead the general issue and give this Act and the special matter in evidence at any trial to be had thereupon, and may aver that the same was done in pursuance and by
 40 authority of this Act.

Limitation of actions for indemnity.

XXXII. And be it enacted, That if any person shall
 by any means or in any manner or way whatsoever, obstruct or interrupt the free use of any railroad constructed
 under the provisions of this Act, or the carriages,
 15 engines or other works incidental or relative thereto, or connected therewith, such person shall for every such

Obstructing free use of Railroads & misdemeanors.

offence be deemed guilty of a misdemeanour, and shall on conviction thereof be punished by imprisonment in the Provincial Penitentiary, for a term not to exceed five years.

Breaking or
injuring Rail-
road property a
misdemeanor.

XXXIII. And be it enacted, That if any person or 5
persons shall wilfully and maliciously, and to the prejudice
of any such railroad, break, throw down, damage or de-
stroy the same, or any part thereof, or any of the houses,
warehouses, toll-houses, watch-houses, weigh-beams,
cranes carriages, engines, inclined planes, machines 10
or other works or devices incidental and relative
thereto or connected therewith, or do any other wilful
hurt or mischief, or wilfully or maliciously obstruct or
interrupt the free use of such Railroad, or works, or
shall obstruct, hinder or prevent the constructing, 15
maintaining and working of such Railroad, such person
shall be adjudged guilty of a misdemeanour, unless the
offence committed shall under some other Act or law
amount to a felony, in which case such person shall be
adjudged guilty of a felony, and the Court by and before 20
whom such person or persons shall be tried and convicted
shall have power and authority to cause such person or
persons to be punished in like manner as persons guilty
of misdemeanours, or felons (as the case may be) are
directed to be punished by the laws in force in this 25
Province.

XXXIV. And be it enacted, That every Corporation
formed under this Act, shall have power—

Corporations
formed under
this Act to
have power to
cross streams,
&c.

To construct, maintain, and work its Railroad across,
along, or upon any stream of water, water course, or canal, 30
which it shall intersect or touch; but the Corporation
shall restore the stream or water course or canal thus
intersected or touched, to its former state, or to such state
as not unnecessarily have impaired its usefulness:—and
nothing in this Act contained shall be construed to 35
authorize the erection of any bridge or any other
obstruction across, in or over any stream or lake,
navigated or navigable by steam or sail boats, at the place
where any bridge or other obstruction may be proposed
to be placed— 40

To unite with
other Railroad
Corporations.

To cross, intersect, join, and unite its Railroad with
any other Railroad before constructed, at any point on its
route, and upon the grounds of such other Railroad
Corporation with the necessary turnouts, sidings, switches,
and other conveniences in furtherance of the objects of 45

such connection; and every Corporation whose Railroad shall be intersected by any new Railroad, shall unite with the owners of such new Railroad, in forming such intersections, and grant the facilities aforesaid; and if the two
 5 Corporations cannot agree upon the amount of compensation to be made therefor, or the points and manner of such crossing and connections, the same shall be ascertained and determined by Arbitrators to be appointed by a Judge, as provided in this Act, with respect to the
 10 acquisition of title to real estate—

To take and convey persons and property on its Railroad, by the power or force of steam, or of animals,
 or by any mechanical power, and to receive compensation therefor—
To convey persons and property.

15 To erect and maintain all necessary and convenient buildings, stations, fixtures, and machinery for the accommodation and use of passengers, freight and business—
To erect buildings, &c.

To borrow such sums of money from time to time, as may be necessary for completing, maintaining, and working
 20 its road, and to issue and dispose of its bonds for any amount so borrowed, and to mortgage its corporate property and franchises to secure the payment of any debt contracted by it for the purposes aforesaid; and the Directors of any such Corporation may confer on any
 25 holder of any bond issued for money borrowed as aforesaid, the right to convert the principal due or owing thereon into stock of the said Corporation, at any time not exceeding ten years from the date of the bond, under such regulations as the Directors may see fit to adopt
To borrow money and issue debentures.

30 XXXV. And be it enacted, That no Corporation, formed under this Act shall lay down or use in the construction or repair of its Road, any iron rail of less weight than fifty-six pounds to the lineal yard, except for
 turnouts, sidings, and switches; nor shall the guage of
 35 any such Road be broader or narrower than six feet.
Guage to be six feet, and rails 56 lbs. to the yard.

XXXVI. And be it enacted, That every conductor, baggage-master, engineer, brakeman, or other servant of
 any Corporation formed under this Act employed in a passenger train or at stations for passengers, shall wear
 40 upon his hat or cap a badge, which shall indicate his office, and the initial letters at least of the name of the Corporation by which he is employed; and no conductor or collector without such badge shall be entitled to demand or receive from any passenger any fare or ticket.
Servants employed about passenger trains to wear badges.

or to exercise any of the powers of his office ; and no officer or servant without such badge shall have authority to meddle or interfere with any passenger or his baggage or property.

Trains to be started at regular intervals.

XXXVII. And be it enacted, that every corporation formed under this Act shall start and run its trains for the transportation of passengers and property at regular hours to be fixed by public notice, and shall furnish sufficient accommodations for the transportation of all such passengers and property as shall within a reasonable time previous thereto be offered for transportation at the place of starting, and the junctions of other Railroads, and at usual stopping places established for receiving and discharging way passengers and freight from its trains, and shall take, transport and discharge such passengers and property, at, from and to such places, on the due payment of the freight or fare legally authorized therefor, and shall be liable to the party aggrieved in an action for damages for any neglect or refusal in the premises.

Checks to be affixed to baggage, and duplicates given to passengers.

XXXVIII. And be it enacted, that a check shall be affixed to every parcel of baggage when taken for transportation by any agent or servant of any Corporation formed under this Act, if there be a handle, loop, or fixture of any kind upon such parcel of baggage, and a duplicate of such check shall be given to the passenger delivering the same ; and if such check be refused on demand, the Corporation shall pay to such passenger the sum of _____ to be recovered in a civil action ; and further, no fare or toll shall be collected or received from such passenger, and if such passenger shall have paid his fare, the same shall be refunded by the conductor in charge of the train ; and on producing by any passenger a check given to him as aforesaid, if his baggage shall not be delivered to him, he may himself be a witness in any suit brought by him against the corporation to prove the contents and value of his baggage.

£2 10s.

Manner of forming passenger trains.

XXXIX. And be it enacted, that in forming a train for passengers on any road constructed under the provisions of this Act, baggage, freight, merchandize or lumber cars shall not be placed in rear of the passenger cars, and if any such shall be so placed, the officer or agent who directed or knowingly suffered such arrangement, and the conductor of the train shall be deemed guilty of a misdemeanor, and be punished accordingly.

XL. And be it enacted that every locomotive engine used on any Railroad under the provisions of this Act, shall be furnished with a bell, of at least thirty pounds weight, or a steam whistle; and the bell shall be rung, or the steam whistle shall be sounded at the distance of at least eighty rods from every place where such road shall cross any travelled public road or street; and the bell shall be kept ringing, or the steam whistle shall be sounded at short intervals, until the locomotive engine shall have crossed such road or street, under a penalty of Locomotive-
to be furnished
with bells and
steam whistles.

10 £2. 10s.
for every neglect of the provisions of this section, to be paid by the Corporation owning the road; and such Corporation 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 Corporation from the engineer having charge of such locomotive engine, and neglecting to sound the whistle or ring the bell as aforesaid.

20 XLI. And be it enacted, that every Corporation formed under this Act shall erect and maintain fences on each side of its road, of the height and strength of an ordinary division fence, with openings or gates or bars therein, and farm-crossings of the road, for the use of Fences and
farm-crossings
to be main-
tained on line
of road, and
also cattle-
guards at all
road crossings.

25 the proprietors of the lands adjoining such road; and shall also construct and maintain cattle-guards at all road-crossings, suitable and sufficient to prevent cattle and animals from getting on the Railroad; and until such fences and cattle-guards shall be duly made, the corporation and its agents shall be liable for all damages

30 which shall be done by their trains or engines to cattle, horses or other animals thereon; and after such fences or guards shall be duly made, and while they are duly maintained, such Corporation shall not be liable for any such damages unless negligently or wilfully done; and if

35 any person shall ride, lead or drive any horse or other animal upon such road and within such fences and guards other than the farm-crossings, without the consent of the corporation, he shall for every such offence forfeit a sum not exceeding £2 10s. and shall also

40 pay all damages which shall be sustained thereby to the party aggrieved; and it shall not be lawful for any person other than those connected with or employed by the Corporation to which it belongs, to walk along the track of

45 any Railroad constructed under this Act, except where the same shall be laid across or along a public road or street.

XLII. And be it enacted, that if any passenger on a road constructed under this Act, shall refuse to pay his Passengers
refusing to pay

fare may be
put out of cars.

fare, it shall be lawful for the conductor of the train and the servants of the Corporation to put him and his baggage out of the cars, using no unnecessary force, at any usual stopping place, or near any dwelling-house, as the conductor shall elect, first stopping the train. 5

Being intoxicated while in charge of engine or train, a misdemeanor.

XLIII. And be it enacted, that if any person shall while in charge of a locomotive engine running on any road constructed under this Act, or while acting as the conductor of a car or train of cars on any such road, be intoxicated, he shall be deemed guilty of misdemeanor. 10

Corporation not liable for injury sustained by passengers while in violation of rules.

XLIV. And be it enacted, that if any passenger on any such road shall be injured while on the platform of a car, or on any baggage, wood or freight car, in violation of the printed regulations of the Corporation, posted up 15 at the time in a conspicuous place inside of its passenger cars then in the train, such Corporation shall not be liable for the injury, provided said Corporation at the time furnished room inside of such passenger cars sufficient for the proper accommodation of the passengers. 20

H. M. mails, and Naval and Military forces and militia, police, artillery, &c., to be conveyed at all times on certain terms.

XLV. Provided always, and be it enacted, that every such Corporation shall at all times when thereunto required by Her Majesty's Deputy Post Master General, the Commander of the Forces, or any person having the superintendence or command of any police force, and 25 with their whole resources if required, carry Her Majesty's mail, Her Majesty's naval or military forces or militia, and all artillery, ammunition, provisions or other stores for their use, and all policemen, constables, and others, travelling on Her Majesty's service, on their 30 railway, on such terms and conditions and under such regulations as the said Corporation and the said Deputy Post Master General, the Commander of the Forces, or person in command of any police force, respectively, shall agree upon, or if they cannot agree, then on such 35 terms and conditions, and under such regulations as the Governor or person administering the Government shall in Council make; and the Corporation may be required to provide a separate carriage for the mail and the person or persons in charge thereof, and the said Corporation 40 shall at any time when thereunto required by the Governor of this Province or any person thereunto authorized by him, place an Electric Telegraph and the apparatus and operators they may have, at the exclusive use of the Government, receiving thereafter reasonable compensa- 45 tion for such service: And provided also, that any further enactments which the Legislature of this Province

may hereafter deem it expedient to make, with regard to the carriage of the mail or Her Majesty's Forces and other persons and articles as aforesaid, or the rates to be paid for carrying the same, or in any way respecting the use of any Electric Telegraph or other service to be rendered by the Corporation to the Government, shall not be deemed an infringement of the privileges intended to be conferred by this Act.

XLVI. And be it enacted, that every Corporation formed under this Act shall make an annual report to the Commissioners of Public Works of the operations of the year ending on the day of which report shall be verified by the oaths of the President or Treasurer and acting Superintendant of Operations or Chief Engineer of such Corporation, and in which shall be set forth

Annual Report on oath to be made by each Railroad Corporation.

1. The amount of capital, as by charter.
2. The amount of stock subscribed;
3. The amount paid in, as by last report;
4. The total amount now of capital and stock paid in;
5. The funded debt by last report;
6. The total amount now of funded debt;
7. The floating debt, as by last report;
8. The amount now of floating debt;
9. The total amount now of funded and floated debt;
10. The average rate per annum of interest on funded debt, cost of road and equipment;
11. The amount expended for graduation and masonry by last report
12. The total amount now expended for the same;
13. The amount for bridges by last report;
14. The total amount now expended for the same,
15. The amount for superstructure, including iron by last report;
16. The total amount now expended for the same;
17. The amount for passengers and freight stations, buildings and fixtures, by last report.
18. Total amount now expended for the same;
19. For engine and car houses, machine shops and machinery and fixtures, by last report;
20. Total amount now expended for the same;
21. For land, land damages and fences, by last report;
22. Total amount now expended for the same;
23. For locomotives and fixtures, and snow-ploughs by last report;
24. Total amount now expended for the same;
25. For passenger and baggage cars, by last report;
26. Total amount now expended for the same;
27. For freight cars, as by last report;
28. Total amount now expended for the same;
29. For engineering and agencies, by last report;
30. Total amount expended for the same;
31. Total cost of road and equipment.

Characteristics of Road.

32. Length of road;
33. Length of road laid;

- 34. Length of double track, if any, including sidings ;
- 35. Length of branches owned by the company laid ;
- 36. Length of double track on the same ;
- 37. Weight of rail by yard on main track ;
- 38. The number of engine houses and shops, of engines and cars, and their character ;

39. It shall also be the duty of each corporation to transmit to the Commissioners of Public Works the following maps, profiles and drawings, exhibiting the characteristics of their roads. The map to show the length and direction of each straight line, and the length and radius of each curve, also the point of crossing of each town and county line, and the length of line in each town and county, accurately determined by measurements to be taken after the completion of the road. The profile to be on the map, and shall show the grade line and surface of ground in the usual method ; also the elevation of grades above tides in each change in the inclination thereof. The maps and profile to be made on a scale of five hundred feet to one-tenth of a foot ; vertical scale of profile to be one hundred feet, to one-tenth of a foot.

Doings of the year in transportation, and total of miles to be run.

- 40. Miles run by passenger trains ;
- 41. Miles run by freight trains ;
- 42. The rate of fare for passengers, charged for the respective classes per mile ;
- 43. Number of passengers carried in carriage ;
- 44. Number of miles travelled by passengers ;
- 45. Number of tons of freight carried in cars ;
- 46. Number of miles carried, or total movement of freight in miles, all to be accurately compiled from the daily records or evidences of earnings, manistets and way bills ;
- 47. Average rate of speed adopted by ordinary passenger trains, including stops ;
- 48. Average rate of speed adopted by ordinary trains when in motion ;
- 49. Average rate of speed adopted by express trains, including stops ;
- 50. Average rate of speed adopted by express trains when in motion ;
- 51. Average rate of speed adopted by freight trains, including stops ;
- 52. Average rate of speed adopted by freight trains, when in motion ;
- 53. Average weight in tons of passenger trains, exclusive of passengers and baggage ;
- 54. Average weight in tons of freight trains, exclusive of freight ;
- 55. The amount of freight, specifying the quantity in tons of the products of the forest, of animals, of vegetable food, other agricultural products, manufactures, merchandise and other articles.

Expenses of maintaining the Road or real Estate of the Corporation.

- 56. For repairs of road-bed and railway, excepting cost of iron, which shall be the cost of labor and materials used during the year ; also, use and cost of engines engaged in ballasting ; also, the renewal and repairs of gravel and stone cars, and all items of cost connected with keeping the road in order ;
- 57. For depreciation of way ;

58. Length in feet of iron used in renewals, with weight and cost ;
59. Repairs of buildings ;
60. Repairs of fences and gates ;
61. Taxes on real estate ,
62. Total of expenses of maintaining road or real estate for the year ;
63. Expenses of machinery of personal property of the corporation ;
64. Repairs of engines and tenders ;
65. Depreciation of engines and tenders ;
66. Repairs of passenger and baggage cars ;
67. Depreciation of passenger and baggage cars ;
68. Repairs of freight cars ;
69. Depreciation of freight cars ;
70. Repairs of tools and machinery in shops ;
71. Incidental expenses, including fuel, oil, clerks, watchmen about shops ;
72. Total expenses of repair and machinery ;
73. Office expenses, stationery ;
74. Agents and clerks ;
75. Labor, handling freight, loading and unloading ;
76. Porters, watch and switch men ;
77. Wood and water station attendance ;
78. Conductors, baggage, and brake men ;
79. Engine men and firemen ;
80. Fuel, first cost and labour of preparing for use ;
81. Oil and waste for engine and tenders ;
82. Oil and waste for freight cars ;
83. Oil and waste for baggage, and passenger cars ;
84. Loss and damage of goods and baggage ;
85. Damages for injuries to persons ;
86. Damages to property, including damages by fire, cattle killed on road ;
87. General superintendence ;
88. Contingencies ;
89. Total expense of working road ,
90. The above statements are to be made without reference to the sums actually received or paid during the year. The following statements of the earnings and cash receipts and payment are required :
 91. From passengers ;
 92. From freight ;
 93. From other sources ;
 94. The above to be stated without reference to the amount actually collected ;
 95. Receipts during the year from freights ;
 96. From passengers ;
 97. From other sources,—specifying what in detail ;
 98. Payment for transportation expenses ;
 99. For interest ;
 100. Dividend on stock, amount, and rate per cent ;
 101. Payments to surplus fund, and total amount of said fund ;
 102. The number of persons injured in life and limb, and the cause of the injury, and whether passengers or persons employed ; whether any such accidents have arisen from carelessness or negligence of any person in the employment of the corporation, and whether such person is retained in the service of the corporation.
103. It shall be the duty of the Commissioners of Public Works to arrange the information contained in such reports in a tabular form and prepare the same together with the said reports in a single document for printing for the use of the legislature, and report the same to the legislature on the first day of its session of each year.

104. All the items under the heads of expenses of maintaining the road or real estate of the corporation; expenses of machinery or personal property of the corporation; expenses of use of road and machinery, or working the road, shall be carried out under two heads, the one showing the cost of freight transportation, the other the cost of passenger transportation. 5

Maps and profiles of roads to be made and filed.

XLVII. And be it enacted, that every Corporation formed under this Act shall within a reasonable time after their road shall be constructed, cause to be made a map and profile thereof, and of the land taken or obtained for the use thereof, and file the same in the office of the Commissioners of Public Works, and also like maps of the parts thereof located in different Counties and file the same in the Registry Offices for the Counties in which such parties shall be respectively: And 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 such Corporation. 10 15 20

Road to be commenced in two years and finished in five, from date of filing articles.

XLVIII. And be it enacted, that if any Corporation formed under this Act shall not, within two years after its Articles of Association have been filed and recorded in the office of the Provincial Secretary begin the construction of its road and expend thereon ten per cent on the amount of its capital, or shall not finish the road and put it in operation in five years from the time of filing its articles of association as aforesaid, its corporate existence and powers shall cease. 25

Rates of fare, &c., may be reduced by Provincial Parliament, when profits are found to exceed ten per cent.

XLIX. And be it enacted, that it shall be competent to the Parliament of this Province, when any Railroad, constructed under this Act, shall be opened for use from time to time, to reduce the rate of fare, freight, or other charges upon said Railroad, but the same shall not, without the consent of the corporation to whom the Railroad belongs, be so reduced as to produce less than ten 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 Corporation, it shall have been ascertained that the net income derived by the Corporation from all sources, for the year then last past, exceeded ten per cent. upon the capital so actually expended. 30 35 40

L. And be it enacted, that the Provincial 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 Stockholders or officers, for any liability which shall have been previously incurred.

Corporation
may be dis-
solved by Act
of Parliament.