



No. 96.

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

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## **BILL.**

An Act to consolidate such of the Provisions of the several Acts relative to the Great Western Railroad Company as are now in force.

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Received and read a first time, Monday, 9th  
June, 1851.

Second reading, Thursday, 12th June, 1851.

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Sir ALLAN N. MACNAB.

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**B I L L .**

An Act to consolidate such of the provisions of the several Acts relative to the Great Western Railroad Company, as are now in force.

**W**HEREAS the Great Western Railroad Company hath prayed that the provisions of the several Acts relative to the said Company which are now in force should be consolidated in one Act and re-enacted, and it is expedient to grant the said prayer: Be it therefore declared and enacted, &c. Preamble.

That all such provisions of the former Acts, relative to the said Great Western Railroad Company, as may be inconsistent with those of this Act, shall be and are hereby repealed. Inconsistent enactments repealed.

II. And be it declared and enacted, That Sir Allan Napier MacNab Who shall constitute the Corporation.

with all such other persons as are or shall become Stockholders in the Great Western Railroad Company are and shall continue to be a body corporate and politic, in fact by and under the name and style of "The Great Western Railroad Company," and by that name they and their successors shall and may have continued succession; and by such name are and shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded, 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 also that they and their successors, by the same name of "The Great Western Railroad Company," are and shall be, by law, capable of purchasing, having and holding to them and 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 Name. Corporate powers.

Proviso. they shall deem necessary and expedient: Provided always nevertheless, that the real estate to be held by the said Company shall be only such as shall be required to be held by them for the purpose of making, using and preserving the Railroads they are empowered to construct, 5 and for objects immediately connected therewith.

To what places the Company may take their Railroad.

Act to apply to all Branch Roads.

Company may explore and make surveys, &c.

Power to enter on lands.

To set out lands required,

III. And be it declared and enacted, That the said Company, and their agents or servants, have and shall have full power to lay out, construct, make and finish a double or single iron or wooden Railroad, at their own costs or charges, on and over any part of the country lying between the Town of London and Burlington Bay and to the navigable waters of the River Thames, and to make or continue such Railroad, from the Town of London to Point Edward at the foot of Lake Huron, and to the Detroit River; and that the said Company also have and shall have full power to construct and make, and to work and use a Branch Railroad, from such point on the main line of the Railroad they are empowered to construct, as may be found most suitable, to any point on the Niagara River, and also to the Town of Galt; and that all the privileges, powers and rights vested in the said Company with regard to their main Railroad, and all the duties and obligations imposed upon them with regard to the same, and all the provisions of this Act, do and shall extend to and with regard to the said Branch Roads, as fully and effectually as to the said main Railroad; and the said Branch Roads shall be included whenever the Railroad of the Company is mentioned in this Act, unless they are excluded expressly or by the context. 30

IV. And be it declared and enacted, That the said Great Western Railroad Company have and shall have full power and authority to explore the country lying between Burlington Bay and any of the places to which they are empowered to carry their said main Railroad, and between any point on their said main Railroad and any place to which they are empowered to make a Branch, and to designate and establish, and to take, appropriate, have and to hold, to and for the use of them and their successors, the line and boundaries of a double or single Railroad, with their necessary railways through any part of the country they are so empowered to explore; and for the purposes aforesaid, the said Company, their agents, servants and workmen, are hereby authorised and empowered to enter into and upon the lands and grounds of and belonging to the Queen's Majesty, her heirs or successors, or to any other person or persons, bodies politic or corporate, and to survey and take levels of the same, or any part thereof; and to set out and ascertain such parts thereof as they shall think necessary and proper for making such double or single Railroad, and all such matters and conveniences as they 50

shall think proper and necessary for making, effecting, preserving, improving, completing, and using such Railroad, and also to make, build, erect, and set up, in and upon the route of such Rail-road, or upon the lands and erect works, &c.

5 adjoining, or near the same, all such works, ways, roads, and conveniences as the said Company shall think requisite and convenient for the purposes of such Rail-Road; and also from time to time, to alter, repair, amend, widen or enlarge the same, or any other of the conveniences above mentioned, as well for carrying or conveying goods, commodities, timber, and other things to and from such Railroad—as for carrying and conveying of all manner of materials necessary for making, erecting, furnishing, altering, repairing, amending, widening or enlarging the works of and belonging to such Railroad; and also to place, lay, work, and manufacture the said materials on the ground near to the place or places where the said works or any of them are or shall be intended to be made, erected, repaired, or done; and to To place and work materials on adjoining lands.

20 build and construct the several works and erections belonging thereto; and also to make, maintain, repair, and alter any fences or passages under or through such Railroad, or which shall communicate thereto; and to construct, erect, and keep in repair any piers, arches or other works, in and upon, and across any rivers or brooks, Crossing Brooks, &c.

25 for making, using, maintaining, and repairing such Railroad and side paths; and also to construct, make, and do all other matters and things which they shall think necessary and convenient for making, effecting, preserving, improving, completing and using such Railroad, in pursuance, and in the true meaning of this Act, they, the said Company, doing as little damage as may be in the execution of the several powers to them hereby granted, and making satisfaction in manner herein mentioned, for all damages to be sustained by the owners or occupiers Other works.

30 of such lands, tenements, or hereditaments: Provided always, That the said Company may cross any navigable rivers or waters with such Railroad, upon duly providing against any unnecessary obstruction of the navigation thereof. Proviso: as to navigable Rivers.

40 V. And be it declared and enacted, That the said Company, or their agents or servants, shall and may construct, erect and build, and furnish a double or single Railroad as aforesaid, on any part or portion of the country aforesaid, but that the said Railroad shall not in any degree interfere with or encroach on any fee simple, right, or private easement of any individual now holding and enjoying the same, or entitled thereto, without the permission first had and obtained, either by the consent of the owner thereof or by virtue of reference in the Company not to encroach on private rights without consent or reference as provided by this Act.

50 manner authorised by this Act.

Company enter upon lands to search for materials and take the same.

VI. And be it enacted, That it shall be lawful for the said Company, their agents and workmen, to enter, for the purpose of searching for materials for their said Railroad and works, upon all lands upon which they might lawfully enter for the purpose of survey, and upon the same conditions, and subject to the same provisions, and also to get and take from off all lands which, if they lay in the line of the said Railroad they might lawfully take for the same, all earth, stone, timber and other materials required for their Railroad and works, and to pass and make roads over the same or any other lands, for the purpose of conveying such materials to the place where they are to be used, and also to lay and place on such lands any spoil-banks, earth, stone, roots or other things, which may be got out of or off the land taken for the said Railroad and works; making in either case compensation to the owners of the lands upon which they shall exercise any of the powers hereby vested in them, which compensation, if not agreed upon, shall be ascertained and paid in the manner hereinafter provided, with regard to the compensation for the land taken for the said Railroad, and subject to the same conditions and provisions.

Compensation to be made.

Provision where streams or Roads are crossed.

VII. And be it declared and enacted, That whenever it shall be necessary, for the construction of their single or double Railroad, to intersect across any stream of water, or water course, or any road or highway, on the route of the said Railroad, it shall be lawful for the said Company to construct their single or double Railroad across or upon the same: Provided that the said Company shall restore the stream or water course, or road or highway thus intersected, to its former state, or in a sufficient manner not to impair its usefulness; and shall moreover erect and maintain, during the continuance of the said Company, sufficient fences upon the line of the route of their single or double Railroad.

Proviso.

Certain parties empowered to convey lands to the Company.

VIII. And be it declared and enacted, That after any lands or grounds shall have been set out and taken as aforesaid, by the said Company, for the purpose of making and completing the said Main Railroad, or the said Branches, or either of them, or for other the purposes and conveniences aforesaid, it is, shall and may be lawful for all bodies corporate, politic or collegiate, Corporations, Communities, Guardians, Executors, Administrators, and all other Trustees or persons, 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, females-coverts, or other person or persons, who are, or shall be seized, possessed of, or interested in any lands or grounds which may from time to time be required as aforesaid, to contract for and convey the same to the said company;

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 whatsoever, any law, statute, usage or custom to the contrary thereof in any wise notwithstanding; and all bodies politic, corporate, or collegiate, and all persons whatsoever, conveying as aforesaid, are hereby indemnified for what he, she or they, or any of them shall respectively do, by virtue of, or in pursuance of this Act: Indemnity for so doing.

10 IX. And be it declared and enacted, That all deeds and conveyances for lands to be conveyed to the said Company for the purposes of this Act may be, as far as the title, to the said land, or the circumstances of the party making such conveyance will permit, in the form 15 given in the Schedule to this Act marked A., and all Registers are hereby authorised to enter in their Register Books such deeds, on the production and proof of execution thereof, without any memorial, and to minute such entry on the said deed; and the said Company are 20 to pay to the said Register for so doing the sum of *two shillings and six pence*, and no more. Deeds may be in form of Schedule, &c.

X. And be it declared and enacted, That the said Company are and shall be empowered to contract, compound, compromise and agree with the owners or occupiers of any land upon which they may determine to construct the said Main Railroad, or the said Branch Railroad, either for the purchase of so much of the said land and privileges as they shall require for the purposes of the said Company, or for the damage which he, she or they shall or may be entitled to receive of the said Company, in consequence of such Railroad being constructed in and upon his, her or their respective lands; and case of any disagreement between the said Company and the owner or owners, occupier or occupiers, as aforesaid, 35 it is and shall and may be lawful from time to time, for each owner or occupier so disagreeing with the said Company, either upon the value of lands and tenements, or private privileges proposed to be purchased, or upon the amount of damages to be paid to them as aforesaid, 40 to nominate and appoint one or more indifferent person or persons, and for the said Company to nominate an equal number of indifferent persons, who, together with one other person, to be elected by ballot by the persons so named, shall be arbitrators, to award, determine 45 and adjudge and order the respective sums of money which the said Company shall pay the respective persons entitled to receive the same, the award of the majority of whom shall be final; and the said arbitrators shall be and are required to attend at some convenient place in the vicinity of such Railroad, to be appointed by the said Company after eight days' notice given for that purpose by the said Company, then and there to arbitrate and Company contract with owners of lands. Arbitration in case of disagreement,

arbitrators to  
be sworn.

award, adjudge and determine such matters and things as shall be submitted to their consideration by the parties interested; and that each arbitrator shall be sworn before one of Her Majesty's Justices of the Peace, in and for either of the Counties of

or any of whom may be required to attend the said meeting for that purpose, well and truly to assess the damage between the parties, according to the best of his judgment: Provided always, that any such award shall be subject to be set aside on application to the Court of Queen's Bench, in the same manner, and on the same grounds as in ordinary cases of submission by the parties, in which case a reference may be again made to arbitration as herein provided.

Proviso: as to  
setting aside  
awards.

Provision if the  
lands belong  
to absentees  
or parties not  
known, &c.

XI. Provided always, and be it declared and enacted, That whenever any lands or grounds required by the said Company, for the purpose of the said Main or any Branch Railroad, are held or owned by any person or persons, bodies corporate, politic or collegiate, whose residence may not be within this Province, or unknown to the said Company, or when the title to any such lands or grounds may be in dispute, or when the owner or owners of such lands or grounds are unwilling or unable to treat with the said Company for the sale thereof, or to appoint arbitrators, it is, shall and may be lawful for the said Company, after having first given thirty days' notice of such intention in some newspaper published in the County where such lands are situate, to nominate and appoint one or more indifferent person or persons, and for the Judge of the County Court for the County in which such lands or grounds are situate, on the application of the said Company, to nominate and appoint an equal number of indifferent persons, who, together with one or other person to be elected by ballot by the persons so named, shall be arbitrators to award, determine, adjudge and order the respective sums of money which the said Company shall pay to the respective persons entitled to receive the same, for the said lands or grounds, or damages as aforesaid, and the decision of the majority of such arbitrators shall be final, and a record of such award or arbitration shall be made up and signed by the said arbitrators, or a majority of them, specifying the amount of such award, and the costs of such arbitration, which may be settled by the said arbitrators, or a majority of them, which record shall be deposited in the Registry Office of the County in which such lands or grounds are situated; and also that the expenses of the said arbitration shall be paid by the said Company: Provided always, that in all arbitrations under this Act the arbitrators shall take into consideration the benefit conferred on the property on which they are arbitrating, as well as the damage done to any particular portion thereof.

Proviso.



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XII. Provided also, and be it declared and enacted, Provision where lands are held under mortgage.  
 That whenever any lands or grounds required to be used or occupied by the said Company shall be held under mortgage, it shall and may be lawful to and for the said  
 5 Company to nominate and appoint one or more indifferent person or persons, and for the Judge of the County Court for the County in which the lands or grounds are situate, on the application of the said Company, to nominate and appoint an equal number of indifferent persons  
 10 who, together with one other indifferent person to be elected by ballot by the persons so named, shall be arbitrators to decide and assess the value of the said lands or grounds, or the amount of damage to be paid to the owner thereof as aforesaid; and upon such decision or  
 15 award, the said Company shall pay or cause to be paid the amount of such award to the mortgagee, as a payment for and on account of the said mortgage; and upon such payment being so made, the mortgagor and mortgagee are required, and may be compelled to join in conveying the  
 20 said lands or grounds to the said company: Proviso. Provided always, that when the amount of such award shall exceed the amount secured or payable upon such mortgage, the said Company, after the amount due on such mortgage shall be satisfied, shall pay or cause to be paid the balance of the said award to the mortgagor, or other person  
 25 or persons entitled to receive the same.

XIII. Provided further, and be it declared and enacted, Provision where the lands belong to any tribe of Indians.  
 That if the Railroad of the said company shall pass through tracts of land or property belonging to or in possession  
 30 of any tribe of Indians in this Province, or if any act occasioning damage to their property or possession shall be done under the authority of this Act, compensation shall be made to them therefor in the same manner as is provided with respect to the property, possession or rights  
 35 of other individuals; and that whenever it shall be necessary that the arbitrators shall be chosen by the parties for settling the amount of such compensation, the chief officer of the Indian Department within this Province is hereby authorised and required to name an arbitrator on  
 40 behalf of the said Indians, and the amount which shall be awarded in any case shall be paid, where such lands belong to any tribe or body of Indians, to the said chief officer for the use of such tribe or body.

XIV. And be it declared and enacted, That whenever Provision where the lands belong to the Crown.  
 45 it shall be necessary for the said Company to occupy any part or parts of the lands or grounds belonging to the Crown, or which have been at any time heretofore specially set apart and reserved; or which are designated or commonly known as Crown Lands, or lands reserved for  
 50 military purposes, they shall first apply for and obtain the license and consent of Her Majesty the Queen, Her Heirs and Successors, under the hand and seal of the

Governor, or person administering the Government of this Province for the time being, and having obtained such license and consent, it shall, and may be lawful for them, at any time or times, to enter into and upon, have, hold, use and enjoy any part or parts of the said lands and grounds for the purposes of this Act, or for any other purposes connected therewith. 5

Compensation to be paid within a certain time.

Penalty for failure.

XV. And be it declared and enacted, That whatever sum of money may be finally awarded to any person or persons, for compensation for property required to be occupied, or for damages occasioned by the interference of the said Company with his or their property, rights or privileges, shall be paid within three months from the time of the same being awarded; and in case the said Company shall fail to pay the same within that period, then their right to assume any such property, or commit any act in respect of which such sum of money was awarded, shall wholly cease, and it shall be lawful for the proprietor to resume his occupation of such property, and to possess fully his rights and privileges in respect thereof, free from any claims or interference of the said Company. 10 15 20

Eleven Directors to be elected yearly and how.

By whom.

Ballot.

If two have an equal number of votes.

XVI. And be it declared and enacted, That the property, affairs, and concerns of the said Company shall be, as they now are, managed and conducted by eleven Directors (one of whom shall be chosen President), who shall hold their offices for one year, which said Directors shall be Stockholders to the amount of, at least, ten shares, and be elected on the first Monday in June, in each and every year, at the City of Hamilton, at such time of the day as a majority of the Directors for the time being shall appoint, and public notice thereof shall be given in any newspaper or newspapers that may be published in the Counties of \_\_\_\_\_, at least thirty days previous to the time of holding the said election, and that the said election shall be held and made by such of the Stockholders of the said Company as shall attend for that purpose in their own persons or by proxy; and all elections for such Directors shall be by ballot; and the eleven persons who shall have the greatest number of votes at any election shall be Directors; and if it shall happen at any such election that two or more have an equal number of votes, in such a manner that a greater number of persons than eleven shall, by a plurality of votes, appear to be chosen Directors, then the said Stockholders hereinbefore authorised to hold such election shall proceed to elect by ballot, until it is determined which of the said persons having an equal number of votes shall be Director or Directors, so as to complete the whole number of eleven; and the said Directors so chosen, as soon as may be after the said election, shall proceed in like manner to 25 30 35 40 45 50

elect by ballot one of their number to be President ; and  
 if any vacancy or vacancies shall at any time happen  
 among the Directors, by death, resignation, or removal  
 from the Province, such vacancy or vacancies shall be  
 5 filled, for the remainder of the term in which they may  
 happen, by a person or persons to be nominated by a  
 majority of the Directors.

Vacancies  
how filled.

XVII. And be it enacted, That the said Directors may,  
 at any time after their election, choose from among them-  
 10 selves, by ballot, a Vice-President, to act in the place of  
 the President whenever that officer shall be absent or un-  
 able to act, or his office shall be vacant, and to have in any  
 such case all the powers and perform all the duties of the  
 President.

Vice-Presi-  
dent to be  
chosen.

15 XVIII. And be it declared and enacted, That every  
 Shareholder in the said Company is and shall be entitled  
 to appoint any person whomsoever, being also a Share-  
 holder, to vote and act for him or her by proxy, at all  
 general meetings of the Company, and for the election of  
 20 Directors, and that each Shareholder shall be entitled to  
 give one vote for each and every share of Capital Stock  
 held by him or her in his or her own name, and which  
 he or she shall have so held, at least one month prior to  
 the time of voting.

Shareholders  
may vote by  
proxy.

One vote for  
each share.

25 XIX. And be it declared and enacted, That any  
 Shareholder in the said Company, be he or she a British  
 subject or alien, a resident in Canada or elsewhere, has  
 and shall have equal rights to hold Stock in the said  
 Company, to vote on the same, and be eligible to office  
 30 in the said Company.

Aliens, &c.  
may vote or  
be elected.

XX. And be it declared and enacted, That in case  
 it should at any time happen that an election of Directors  
 should not be made on any day when pursuant to this  
 Act it ought to have been made, the Corporation of the  
 35 said Company shall not for that cause be deemed to be  
 dissolved, but it shall and may be lawful on any day to  
 hold and make an election of Directors in such manner  
 as shall have been regulated by the By-Laws and ordi-  
 nances of the said Company.

Corporation  
not dissolved  
by failure of  
any election.

40 XXI. And be it declared and enacted, That the  
 Capital Stock of the said Company may be equal to, but  
 shall not exceed one million five hundred thousand pounds  
 currency, to be held in sixty thousand shares of twenty-  
 five pounds each ; and that the shares of the capital stock  
 45 may, after the first instalment thereon shall have been paid,  
 be transferred by the respective persons subscribing and  
 holding the same to any other person or persons, and  
 such transfer shall be entered and registered in a book or  
 books to be kept for that purpose by the said Company ;

Capital of the  
Company  
£1,500,000.

Proviso:  
against  
banking.

Provided always that nothing herein contained shall authorize the said Company to act as bankers, or in any way to carry on or use the business of banking.

City of  
Hamilton and  
other Municipal  
Corporations may  
take stock,  
lend money,  
or guarantee  
loans to  
Company.

XXII. And be it declared and enacted, That it is and shall be lawful for the Common Council of the City of Hamilton, and for any other Municipal Corporation in this Province, to subscribe for any number of shares in the Capital Stock of the said Company, or to lend any sum of money to the said Company, or to guarantee and become security for the payment of any sum of money borrowed by the said Company after the 24th day of July, 1850, from any other Corporation or party, or to endorse or guarantee the payment of any debentures to be issued by the said Company for money borrowed by them after the said day: Provided always that nothing herein contained shall be construed to increase the total amount of the Capital Stock which the said Company is now authorized by law to raise, or the total amount of money which it is now authorized to borrow.

Proviso.

Such Corporations may  
levy money  
to meet such  
engagements  
and issue  
debentures.

XXIII. And be it declared and enacted, That the Municipal Corporation of any County, City, Town, Township or Village, who have subscribed, or shall subscribe, for Stock of the said Company, or have lent or guaranteed, or shall lend or guarantee, the payment of any sum of money under this Act, have and shall have full power and authority to cause to be assessed and levied, from time to time, upon the whole rateable property in such County, City, Township or Village, sufficient sums to enable them to discharge the debts, obligations and engagements which they shall have contracted as aforesaid; and also for the like purpose to issue debentures, payable at such times, and for such sums, respectively, not less than twenty-five pounds, and bearing or not bearing interest, as such Corporation may think meet.

Form of  
debentures  
issued or  
guaranteed.

XXIV. And be it declared and enacted, That any debenture which any Corporation may have issued, or may hereafter under this Act issue, endorse or guarantee, shall be valid and binding upon such Corporation, if signed, endorsed, or countersigned by such officer or person, and in such manner and form as shall be directed by any By-law of the Corporation; and it shall not be necessary that it be under the seal of the Corporation, or that any further form be observed with regard to it than such as shall be directed in such By-law as aforesaid.

Such engagement of any  
Corporation must be  
approved by a  
majority of  
the electors.

XXV. And be it declared and enacted, That it is not and shall not be lawful for any Municipal Corporation to subscribe for Stock as aforesaid, or incur any such debt or liability as aforesaid, unless and until a By-law to that effect shall have been duly made and adopted, with the

consent first had and obtained of a majority of the qualified electors of the Municipality present at a meeting called for that purpose by the Mayor, Warden, or Town Reeve, at the request of any ten such electors, by public advertisement, containing a copy of such proposed By-law, inserted at least four times in each newspaper printed within the limits of the Municipality, or if no newspaper be printed therein, then in some one or more newspapers printed in the immediate vicinity thereof, and circulated therein.

XXVI. And be it declared and enacted, That the Warden, Mayor, or Town Reeve, being the head of any Municipal Corporation subscribing for and holding shares in the Stock of the said Company to the amount of twenty five thousand pounds or upwards, shall be *ex officio*, one of the Directors of the said Company, in addition to the number of Directors otherwise authorized by law, and shall have the same rights, powers and duties as any of the other Directors of the said Company.

Notice.

Head of Corporation subscribing £25,000 to be a Director.

XXVII. Provided always, and be it enacted, That whenever under the provisions of the next preceding section, the head of any Municipal Corporation shall be a Director of the Company, the said Municipal Corporation shall not vote, or authorize any other person to vote, at any election of Directors on the shares held by it.

Proviso: in such case no one to vote on Corporation stock.

XXVIII. And be it declared and enacted, That as soon as Directors of the said Company were appointed, it became lawful for them to call upon the Stockholders of the said Company, by giving thirty days' notice thereof in any newspaper published in the then Districts of London and Gore, for an instalment of five per cent. upon each share for which they or any of them respectively had subscribed, and that the residue of the sum or shares of the Stockholders, are and shall be payable by instalments in such time and in such proportions as a majority of the Stockholders, at a meeting expressly convened or to be convened for that purpose, shall have agreed or shall agree upon, so as no such instalments shall exceed five per cent., nor become payable in less than thirty days after publication in the newspapers as aforesaid, in the Counties of \_\_\_\_\_ and \_\_\_\_\_

Power to call for instalments on shares.

XXIX. And be it declared and enacted, That if any Stockholder or Stockholders as aforesaid shall have refused or neglected, or shall refuse or neglect, to pay, at the time required, any such instalment or instalments as have been or shall be lawfully required by the Directors as due upon any share or shares, such Stockholder or Stockholders so refusing or neglecting have forfeited and shall forfeit such share or shares as aforesaid, with any amount which shall have been previously paid thereon, and that

Forfeiture of shares on failure to pay instalments.

the said shares may be sold by the said Directors, and any sum arising therefrom, together with the amount previously paid thereon, shall be accounted for, and applied in like manner as other moneys of the said Company : Provided always that the purchaser or purchasers shall pay the said Company the amount of instalment required, over and above the purchase money of the share or shares so purchased as aforesaid: Provided also that thirty days' notice of the sale of such forfeited shares shall be given in any newspaper or newspapers published in the Counties of \_\_\_\_\_ and \_\_\_\_\_ and that the instalments due may be received in redemption of any such forfeited share at any time before the day appointed for the sale thereof.

Proviso.

Proviso.

XXX. And be it declared and enacted, That so soon as the said double or single Railroad shall be so far completed as to be capable of being used for the transportation of property or passengers, the said Company shall have full power and authority to ask for, demand, receive, recover, and take tolls and dues, to and for their own proper use and benefit, on all goods, merchandise and passengers, using or occupying the said double or single Railroad, or any other convenience, erection or improvement, built, occupied, or owned by the said Company, to be used therewith; and shall have power to regulate the time and manner in which goods and passengers shall be transported, taken and carried on the same, as well as the manner of collecting all tolls and dues on account of transportation and carriage, and shall have power to erect and maintain such toll-houses and other buildings for the accommodation and proper transaction of their business as to them may seem necessary.

When the Company may take tolls.

Power to regulate transport of passengers, &c.

XXXI. And be it declared and enacted, That the Directors for the time being; or a majority of them, have and shall have power to make and subscribe such rules and regulations as to them shall appear needful and proper, touching the management and disposition of the Stock, property, estate and effects of the said Company, and touching the duty of officers, clerks and servants, and all such other matters and things as appertain to the business of the Company, with such salaries and allowances as to them shall seem fit.

Directors to make By-laws.

XXXII. And be it declared and enacted, That it is and shall be lawful for the President and Directors of the said Company, from time to time, to fix, regulate, and receive the tolls and charges to be received for the transportation of property or persons, on the single or double Railroad aforesaid, hereby authorised to be constructed, erected, built, made and used.

Directors may fix tolls.

- XXXIII. And be it declared and enacted, That it shall be the duty of the Directors to make annual dividends of so much of the profits of the said Company as to them or a majority shall seem advisable, and that once in each 5 year an exact and particular statement shall be rendered of the state of their affairs, debts, credits, profits and losses, such statement to appear on the books, and to be open to the perusal of any Stockholder at his or her reasonable request.
- 10 XXXIV. And be it declared and enacted, That it is and shall and may be lawful for the Board of Directors, or a majority of them for the time being, to make such By-laws, Rules and Regulations as they may think proper for the junction or union of the said Company with 15 any other Company or Companies, or Association formed under any deed or deeds of settlement in England or elsewhere, or by charter in this Province, and for the management, direction, and carrying out of the objects of such junction or union, and for the securing to all 20 parties to such junction or union the stipulations and agreements which may be mutually settled upon between them.
- XXXV. And be it declared and enacted, That the said single or double Railroad, and all materials which shall be, 25 from time to time, got or provided for constructing, building, maintaining or repairing the same, and the said tolls on goods, wares and merchandise, or passengers hereinbefore mentioned, shall be, and the same are vested in the said Company, and their successors for ever.
- 30 XXXVI. And be it declared and enacted, That if any person or persons shall willfully do, or cause to be done, any act or acts whatever, whereby any building, construction, or work of the said Company, or any engine, machine, or structure, or any matter or thing appertaining to the same, 35 shall be stopped, obstructed, impaired, weakened, injured, or destroyed, the person or persons so offending, shall forfeit and pay to the said Company double the amount of damages sustained by means of such offence or injury, to be recovered in the name of the said Company, by 40 action of debt, to be brought in any Court of Record in this Province.
- XXXVII. And be it declared and enacted, That the said Company shall, at all times when thereunto required by the Postmaster General of this Province, the Com- 45 mander of the Forces, or any person having the command or superintendence of any Police Force, carry Her Majesty's Mail, Her Majesty's Naval or Military Forces or Militia, and all artillery, ammunition, provisions, or other stores for their use, and all Policemen, Constables and 50 others travelling on Her Majesty's service, on their said

Dividends to  
be made.  
Accounts to  
be rendered.

Company may  
unite with  
other Railroad  
Companies.

Road, &c.  
vested in the  
Company.

Company may  
recover double  
damages for  
injuries done  
to their  
works.

Postmaster  
General may  
require cer-  
tain services  
from the Com-  
pany.

Railroad, on such terms and conditions and under such regulations as the said Company and the said Postmaster General, the Commander of the Forces, or person in command of any Police Force, respectively, shall agree upon, or if they cannot agree then upon such terms and conditions and under such regulations as the Governor, or person administering the Government, shall in Council make: Provided that by such regulations the Company shall not be required to start any train or steamboat at any other time than their ordinary time of starting the same; but they may be required to provide a separate carriage for the Mail and the person or persons in charge thereof: 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 said 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 Company to the Government, shall not be deemed an infringement of the privileges intended to be conferred by this Act or the other Acts touching the said Railroad, and nothing in this or any other Act contained shall be construed to authorize the said Company to take or enter upon any lands or real estate of any kind belonging to Her Majesty, Her Heirs or Successors, or vested in or held in trust by the Principal Officers of Her Majesty's Ordnance, or any public body person or party in trust for the uses or service of Her Majesty, Her Heirs or Successors, whether such real estate be held in fee simple or for any less estate, during the continuance of such estate, unless the entering upon or taking of such lands or real estate be authorized by the Governor in Council, or by the Commander-in-Chief of Her Majesty's Forces in this Province

XXXVIII. And be it declared and enacted, That at any time after forty years after the making and completing of the said Railroad or way, Her Majesty, Her Heirs and Successors may assume the possession and property of the same, and of all and every the works and dependencies thereto belonging, upon paying to the said Company, for the use of the Stockholders thereof, the full amount of their respective shares, or of the sums furnished and advanced by each subscriber towards the making and completing the said double or single Railroad, together with such further sum as will amount to twenty per centum upon the moneys so advanced and paid, as a full indemnification to the Company; and the said double or single Railroad shall, from the time of such assumption in manner aforesaid, appertain and belong to Her Majesty, Her Heirs and Successors, who shall from thenceforth be substituted in the place and stead of the said Company, upon the conditions and subject to the provisions of any Act of the Legislature of this Province that may be passed

Her Majesty may after a certain time assume the said Railroad.

On what conditions. Effect of such assumption.



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respecting the same : Provided always, that it shall not be lawful for Her Majesty, Her Heirs or Successors, at any time after the expiration of the said forty years, to assume the possession and property of the said Railroad or way, with their appurtenances aforesaid, unless it shall appear, from the accounts of the said Company, that they have received every year, upon an average, at least the sum of twelve pounds ten shillings for every one hundred pounds they shall be possessed of in the said concern.

10 XXXIX. And be it declared and enacted, That from and after the period when the possession of the right, interest and property in and to the double or single Railroad shall have been assumed by Her Majesty, Her Heirs or Successors, as hereinbefore authorised, all tolls and  
15 profits arising therefrom shall be paid into the hands of Her Majesty's Receiver General, to and for the public uses of this Province, at the disposal of the Legislature thereof, and shall be accounted for as Her Majesty, Her Heirs and Successors shall be graciously pleased to  
20 direct.

Tolls to be in such case paid to Receiver General.

XL. And be it declared and enacted, That nothing contained in this Act or any other such Act as aforesaid, shall affect or be construed to affect, in any manner or way whatsoever, the rights of Her Majesty, Her  
25 Heirs and Successors, or of any person or persons, or of any bodies politic, corporate or collegiate, such only excepted as are herein mentioned.

Rights of the Crown, &c. saved.

XLI. And be it declared and enacted, That notwithstanding the privileges hereby or by any other Act  
30 conferred, the Legislature may at any time hereafter make such addition to this Act or any other Act relative to the said Company, or such alterations of the provisions thereof, as they may think proper for affording just protection to the public or to any person or persons, body  
35 politic or corporate, in respect to their estate, property or rights, or any interest therein, or any advantage, interest, or convenience connected therewith, or in respect to any way or right of way, public or private, that may be affected by any of the powers given by this Act, or such other Act  
40 as aforesaid.

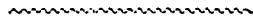
Power reserved to amend this Act or any other relating to the Company.

XLII. Provided always, and be it enacted, that the several lines of Railroad which the said Company are authorised to make as aforesaid shall be respectively completed and fit for public use within twenty years  
45 from the                    day of                    one thousand eight hundred and                    otherwise this Act, and all other Acts now in force touching the said Railroad, shall cease to have force and effect with regard to all such lines or parts of lines as shall not then be com-

Proviso: Railroad to be completed within a certain time.

pleted as aforesaid, but shall remain in force with regard to such lines or parts of lines as shall be then so completed and in use.

Public Act. XLIII. And be it declared and enacted, That this Act is and shall be, for all purposes and in all Courts of Justice, regarded as a public Act, and the same as such shall be judicially noticed without being specially pleaded.



#### SCHEDULE A.

KNOW ALL MEN by these presents, that I, A. B., in consideration of the sum of \_\_\_\_\_ to me in hand paid by the Great Western Railroad Company, the receipt whereof is hereby acknowledged, have granted, bargained, sold, conveyed, and confirmed, and by these presents do grant, bargain, sell, convey and confirm unto the said Great Western Railroad Company, their successors and assigns, for ever, all that certain parcel or tract of land and premises, situate and being (*here describe the land*) the same having been selected by the said Company for purposes connected with their Railroad; to have and to hold the said land and premises with the appurtenances thereunto belonging to the said Great Western Railroad Company, their successors and assigns for ever.

Witness my hand and seal, this \_\_\_\_\_ day of

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L. S.

Signed, sealed and delivered in the presence of

L. S.