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BILL.

An Act respecting Railway Postal Subsidies  
and Amalgamation of Railway Companies,  
and otherwise in amendment of the Rail-  
way Act.

[No. 4 of 1865—1st Session.]

Mr. DUNKIN.

OTTAWA :

PRINTED BY HUNTER, ROSE & CO., SALIX ST.

An Act respecting Railway Postal Subsidies and Amalgamation of Railways, and otherwise in amendment of the Railway Act.

**H**ER MAJESTY, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows: Preamble.

1. All Orders which may be made by the Governor in Council, whereby, under authority of the one hundred and ninth section of the Railway Act, or otherwise, any amount or rate of payment or compensation to railway companies generally, or to any railway companies or company in particular, for the carrying of Her Majesty's Mail, or for Postal Service of any kind, ordinary or extraordinary, may be authorized, settled, altered or at all affected—and also, all Departmental or other Reports or Orders whereon any such Order in Council may be based, or otherwise having reference thereto, or to any such amount or rate of payment or compensation—shall be laid before both Houses of the Provincial Parliament, within ten days from the opening of the session next thereafter. Orders in Council regulating Postal Subsidies, &c., to be laid before Parliament each Session.

2. No Order in Council, or Departmental or other Order, or Contract (whether made under authority of the fifty-first section of the Post Office Act, or otherwise), unless sanctioned by Parliament, shall be held to have been sanctioned by Parliament, in so far only as the same may relate to any period not longer than four years after the date of such Order or Contract. Period during which such Order in Council is to take effect limited;

2. But any such Order or Contract which shall have been so laid before Parliament, and against which no Address to the Governor shall have been voted by the Legislative Assembly during such session, shall be held to have been sanctioned by Parliament, in so far only as the same may relate to any period not longer than four years after the date of such Order or Contract. But otherwise if sanctioned by Parliament.

3. So much of the Act passed in the sixteenth year of Her Majesty's reign, and intituled: "An Act to empower any Railway Company, whose railway forms part of the Main Trunk Line of Railway throughout this Province, to unite with any other such Company, or to purchase the property and rights of any such Company, and to repeal certain Acts therein mentioned, incorporating Railway Companies"—and also so much of the Act passed in the same year, and intituled: "An Act to extend the provisions of the Railway Companies' Union Act to Companies whose railways intersect the Main Trunk Line, or touch places which the said Line also touches, as may authorize or empower, or tend to authorize or empower, any two or more railway companies whatever, hereafter to agree, for the uniting together of such companies as one company, or for the purchase and acquisition by any one company of the property and rights of any other companies or company"—is hereby repealed. Portions of certain Acts respecting amalgamation of Railways repealed

Union of Rail-  
way Com-  
panies must  
be specially  
sanctioned by  
Parliament.

**4.** Notwithstanding anything to the contrary in any Act or Acts whatever, no contract or agreement whatever, hereafter to be entered into between any two or more railway companies, unless in so far as the same may be expressly sanctioned by any special Act of Parliament which may be thereafter passed in that behalf, shall avail to operate the union of any two or more railway companies as one company and one corporation—or the transfer (even for a limited term) to any railway company of the corporate franchises, rights or obligations, of any other railway company—or the lease (in whole or part) for any term exceeding ten years, to any railway company, of the railway, property and effects of any other railway company, or of the use thereof.

Agreements  
under section  
131 of Rail-  
way Act  
restricted.

**5.** The one hundred and thirty-first section of the Railway Act is hereby so amended as to limit the duration of all agreements or arrangements hereafter to be made under authority thereof to ten years, in place of twenty-one years, as thereby limited.

20th Section  
of said Act  
amended.

**6.** The twentieth section of the Railway Act is hereby amended by the addition of the following words at the end thereof:

“And there shall not be comprehended in, or covered by, any such toll, either directly or indirectly, any amount or kind of toll or charge whatever, for any transport or service whatever, other than such as the company may perform upon such railway or in such steam vessels.”

29th Section  
amended.

**7.** The twenty-ninth section of the Railway Act is hereby amended by the addition thereto of the two following sub-sections:—

Right of ac-  
tion.

“2. No action or right of action or demand shall in any wise enure to the company by reason of any transport or service whatever performed by the company, upon the railway or in the steam vessels to the undertaking belonging, save and except for tolls so fixed and regulated as aforesaid.

By-laws to be  
laid before  
Parliament.

**3.** Copies of all By-laws for fixing and regulating such tolls, which may be submitted for approval of the Governor in Council, and also copies of all Orders in Council approving thereof, and of all Orders in Council revising any such By-laws, shall be laid before both Houses of the Provincial Parliament, within ten days from the opening of the session next thereafter.”