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A C T S, & c.

RELATING TO THE

CHAMPLAIN & ST. LAWRENCE
RAIL - R O A D .

WITH AN ANALYTICAL INDEX, AND NOTES SHEWING SUCH
PARTS OF THE SAID ACTS, &c. AS HAVE CEASED
TO BE IN FORCE.



QUEBEC:

PRINTED BY STEWART DERNISHIRE & GEORGE DESBARATS,
Law Printer to the Queen's Most Excellent Majesty.

1853.

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1853.



ANNO SECUNDO GULIELMI IV.

C A P. LVIII.

An Act for making a Rail-road from Lake Champlain to the River St. Lawrence.

WHEREAS the facilitating and dispatching the carriage Preamble.
and conveyance of goods, passengers, &c. between the
navigable waters of Lake Champlain and the River St. Law-
rence, opposite to the City of Montreal, by means of a Rail-road,
will be of great public advantage, and will afford a more easy,
cheap and expeditious conveyance for all goods, wares, com-
modities, passengers, &c. and generally increase the trade
and commerce of this Province, and in other respects be of
great public utility : And whereas the several persons herein-
after named are desirous, at their own cost and charges, to
make and maintain the said Rail-road, but cannot effect the
same without the aid and authority of the Provincial Parlia-
ment ; wherefore for obtaining and perfecting the good effects
and purposes aforesaid : Be it therefore enacted by the King's
Most Excellent Majesty, by and with the advice and consent
of the Legislative Council and Assembly of the Province of
Lower Canada, constituted and assembled by virtue of and
under the authority of an Act passed in the Parliament of
Great Britain, intituled, " An Act to repeal certain parts of an
" Act passed in the fourteenth year of His Majesty's reign,
" intituled, ' *An Act for making more effectual provision for*
" *the Government of the Province of Quebec, in North*
" *America,*' and to make further provision for the Government
" of the said Province ;" And it is hereby enacted by the
authority of the same, that Horatio Gates, John Molson, the
elder, Samuel Gerrard, Samuel Gale, Peter M'Gill, John
Frothingham, Thomas Blackwood, Adam L. Macnider, Joseph
Donegani, John E. Mills, James Holmes, Jean D. Bernard,
William Guild, James Logan, John M'Kenzie, William Peddie,
Frederick Griffin, Benjamin Hart, Samuel A. W. Hart, Isaac
Gregory, Benjamin Lewis, Abner P. Herley, George Johnson
Holt, William Leontine Coit, Samuel M'Lure, George Brush,
William Hedge, John Torrance, James Millar, William
Edmonstone, Lewis Betts, Smith Sanborn, Campbell Sweeny,
Benjamin Brewster, Cyrus Brewster, William Brewster, Joseph
Shuter, Turton Penn, George Davies, Joseph Masson, Joseph
T. Barrett, Jacques Antoine Cartier, Henry Joseph, the elder,
Thomas Storrow Brown, Norman Williams, David Torrance,
A certain number of persons incorporated for making a Railroad from Lake Champlain to the River St. Lawrence.

Louis Marchand, Cyrus Carlton, Stephen Field, Orlin Bostwick, Hosea B. Smith, Jason C. Pierce, Walter Benny, John Try, James Henderson, Jeth L. Weatherly, William Lyman, J.—. Glennon, Robert Jones, Joshua Hobart, Roswell Corse, John Matthewson, Charles S. Delorme, Charles Brooke, Edouard M. Leprohon, Tancred Bouthillier, Dwight P. Janes, Joshua Bell, Noah Shaw, William Spier, William Freeland, John Thomson, William Forbes and Oliver Wait, together with such person or persons as shall under the provisions of this Act become subscribers to and proprietors of any share or shares in the Rail-road hereby authorized to be made, and the several and respective heirs, executors, administrators, curators and assigns, being proprietors of any share or shares in the Rail-road hereby authorized to be made, are and shall be, and be united into a Company for the carrying on, making, completing and maintaining the said intended Rail-road, according to the rules, orders and directions hereinafter expressed, and shall for that purpose be one body politic and corporate, of the name of “The Company of Proprietors of the Champlain and Saint Lawrence Rail-road;” and by that name shall have perpetual succession, and shall have a common seal; and by that name shall and may sue and be sued, and also shall and may have power and authority to purchase lands, tenements and hereditaments for them and their successors and assigns, for the use of the said Rail-road, without His Majesty’s *Lettres d’Amortissement*; saving nevertheless to the Seigneur or Seigniors within whose *censive* the lands, tenements and hereditaments so purchased may be situate, his and their several and respective *droits d’indemnité*, and all other Seigniorial rights whatever, and also to sell any of the said lands, tenements and hereditaments purchased for the purposes aforesaid; and any person or persons, bodies politic or corporate, or communities may give, grant, bargain, sell or convey to the said Company of Proprietors, any lands, tenements or hereditaments for the purposes aforesaid, and the same may re-purchase of the said Company without *Lettres d’Amortissement*, and the said Company of Proprietors and their successors and assigns shall be, and are hereby authorized and empowered from and after the passing of this Act, by themselves, their deputies, agents, officers, workmen and servants, to make and complete a Rail-road, to be called the “Champlain and Saint Lawrence Rail-road,” from, at or near the village of Dorchester, commonly called Saint John’s, in the District of Montreal, in as direct a line as may be found practicable, and as local situation, as circumstances and the nature of the ground will admit, to the River Saint Lawrence, opposite or nearly opposite to the City of Montreal: Provided always, that the commencement of the said Rail-road from, at or near Dorchester aforesaid, shall not be at a greater distance from the lower extremity of the Port thereof upwards, than half a mile; and provided also that the termination of the said Rail-road on the River Saint Lawrence shall be at the Village of Laprairie inclusively, or at some point

point between the village of Laprairie and the head or upper end of the Island of Saint Helens ; and for the purposes aforesaid the said Company of Proprietors, their deputies, servants, agents and workmen, are hereby authorized and empowered to enter into and upon the lands and grounds of the King's Most Excellent Majesty, or of any person or persons, bodies politic, corporate or collegiate, or communities whatsoever, 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 the said intended Rail-road, and all such other works, matters and conveniences as they shall think proper and necessary for making, effecting, preserving, improving, completing, maintaining and using the said intended Rail-road and other works, and also to bore, dig, cut, trench, get, remove, take, carry away, and lay earth, clay, stone, soil, rubbish, trees, roots of trees, beds of gravel or sand, or any other matters or things which may be dug or got in making the said intended Rail-road or other works, or out of the lands or grounds of any person or persons adjoining or lying convenient thereto, and which may be proper, requisite, or necessary for making or repairing the said intended Rail-road, or works incidental or relative thereto, or which may hinder, prevent or obstruct the making, using or completing, extending or maintaining the same respectively, according to the intent and purpose of this Act ; and to make, build, erect and set up in or upon the said intended Rail-road, or upon the lands adjoining or near the same respectively, such and so many houses, ware-houses, toll-houses, watch-houses, weighing beams, cranes, fire engines, steam engines, or other engines, either stationary or locomotive, inclined planes, machines, and other works, ways, roads and conveniences, as and when the said Company of Proprietors shall think requisite and convenient for the purposes of the said Rail-road ; and also from time to time to alter, repair, divert, widen, enlarge and extend the same, and also to make, maintain, repair and alter any fences or passages over, under or through the said intended Rail-road, and to construct, erect and keep in repair any piers, arches, and other works, upon and across any rivers or brooks for the making, using, maintaining and repairing the said intended Rail-road ; and to construct, erect, make and do all other matters and things which they shall think convenient and necessary for the making, effecting, extending, preserving, improving, completing, and easy using of the said intended Rail-road and other works, in pursuance of, and according to the true intent and meaning of this Act ; they the said Company of Proprietors, doing as little damage as may be, in the execution of the several powers to them hereby granted, and making satisfaction in manner hereinafter mentioned to the owners or proprietors of, or the persons interested in the lands, tenements or hereditaments, waters, water-courses, brooks, or rivers respectively, which shall be taken, used, removed, prejudiced, or of which the course shall be altered, or for all damages

damages to be by them sustained in or by the execution of all or any of the powers of this Act ; and this Act shall be sufficient to indemnify the said Company of Proprietors and their servants, agents or workmen, and all other persons whatsoever for what they, or any of them, shall do by virtue of the powers hereby granted, subject nevertheless to such provisions and restrictions as are hereinafter mentioned.

Company by a sworn Surveyor and Engineer to take surveys and levels of the lands through which the Railroad is to be carried.

II. And be it further enacted by the authority aforesaid, That for the purposes of this Act, the said Company shall by some sworn Land Surveyor in the Province, and by an Engineer, by them to be appointed, cause to be taken and made, surveys and levels of the said lands, through which the said intended Rail-road is to be carried, together with a map or plan of such Rail-road, and of the course and direction thereof, and of the said lands through which the same is to pass, and also a book of reference for the said Rail-road, in which shall be set forth a description of the said several lands, and the names of the owners, occupiers and proprietors thereof ; and in which shall be contained every thing necessary for the right understanding of such map or plan, which said map or plan and book of reference, in triplicate, shall be made or caused to be made and certified by the Surveyor General or his deputy, who shall deposit one part thereof in the office of the Prothonotary of the Court of King's Bench for the District of Montreal, one other copy in the office of the Secretary of this Province, and the remaining one he shall deliver to the said Company of Proprietors, and all persons shall have liberty to resort to such copies so to be deposited as aforesaid, and make extracts or copies thereof as occasion shall require, paying to the said Secretary of the Province, or to the said Prothonotary, at the rate of six pence current money of this Province for every hundred words, and the said copies of the said map or plan and book of reference, so certified, or a true copy or copies thereof, certified by the Secretary of the Province, or by the Prothonotary of the Court of King's Bench for the District of Montreal, shall severally be, and are hereby declared to be good evidence in the Courts of Law and elsewhere.

Where the Railroad crosses any highway, the ledge of Railway not to rise nor sink more than one inch.

III. Provided always and be it further enacted by the authority aforesaid, That where the said Rail-road shall cross any public highway, the ledge or flank of such Rail-way for the purpose of guiding the wheels of the carriages, shall not rise above the level of such road, nor sink below the level of such road, more than one inch.

When the Company build a bridge for the purpose of carrying the Rail-road over or across any

IV. Provided always, and be it further enacted by the authority aforesaid, That where any Bridge shall be erected or made by the said Company, for the purpose of carrying the said Rail-way over or across of any public highway, the space of the arch of any such Bridge shall be formed and shall at all times be and be continued of such breadth as to leave a clear and open

open space under every such arch of not less than fifteen feet, and of a height from the surface of such public highway to the centre of such arch, of not less than sixteen feet, and the descent under any such Bridge shall not exceed one foot in thirteen feet.

highway, the space of the arch to be of certain dimensions.

V. Provided always, and be it further enacted by the authority aforesaid, That in all places where it may be necessary to erect, build or make any Bridge or Bridges for carrying any public carriage road over the said Rail-way, the ascent of every such Bridge for the purpose of every such road shall not be more than one foot in thirteen feet; and a good and sufficient fence shall be made on each side of every such Bridge, which fence shall not be less than four feet above the surface of such Bridge.

In building a Bridge for carrying a public carriage road over the Rail-way, the ascent of such bridge to be of certain dimensions.

VI. Provided always, and be it further enacted by the authority aforesaid, That in all cases where the said intended Rail-way shall cross any public highway on a level, the said Company shall erect and at all times maintain a good and sufficient Gate on each side of the said public highway, where the said Rail-way shall communicate with such public highway; which Gates shall be constantly kept shut, except on such time as waggons, carts and other carriages passing along the said Rail-way shall have to cross such public highway, and they shall be open for the purpose only of letting such waggons, carts, or other carriages pass through; and every driver or person entrusted with the care of any waggon, cart or other carriage, or with any string of waggons, carts or other carriages, shall, and he is hereby directed to cause the said Gates and each of them to be shut as soon as such waggons, carts, or other carriages shall have passed through, under the penalty of five shillings for every offence to be recovered in like manner as any other penalty under this Act may be recovered.

Gates.

This section is repealed by 1st Sect. of 4 Vict. c. 18, which is in turn repealed by Sect. 11 of 13 & 14 Vict. c. 114 page 40, which see.

VII. And be it further enacted by the authority aforesaid, That the said Company of Proprietors, in making the said intended Rail-road, shall not deviate more than two arpents from the course or direction delineated in the said map or plan, and set forth in the said book of reference, nor cut, carry, place, lay down, or convey the said Rail-road into, through, across, under or over any part or parts of the several estates, lands or grounds now or late belonging or reputed to belong to the said several and respective persons named or described in the said book of reference, other than such part or parts as are mentioned in the said book of reference in that behalf, (save in such instances only as are particularly hereby provided for,) without the approbation and consent in writing, signed by the person or persons for the time being, entitled to the rents and profits of such estates, lands or tenements respectively.

Company not to deviate more than two arpents from the course delineated in their Map or Plan.

VIII. Provided always, and it is hereby further enacted by the authority aforesaid, That the said Company of Proprietors, shall

Company may make their intended Rail-

road, across the grounds and over the lands of any person whatsoever.

shall and may make their said intended Rail-road into, through, across or over the lands or grounds of any person or persons whomsoever, into whose estates, lands or grounds, such deviations as aforesaid shall extend, although his, her or their name or names is or are not mentioned in the said book of reference, or into the estate, lands or grounds of any person or persons whose name or names hath or have been by mistake omitted, or that instead of his, her or their name or names, the name or names of some other person or persons to whom such last mentioned estates, lands or grounds do not belong, hath or have been inserted in the said book of reference.

But not to exceed twenty yards in breadth.

Exception.

IX. And be it further enacted by the authority aforesaid, That the lands or grounds to be taken or used for such intended Rail-road, and the ditches, drains and fences to separate the same from the adjoining lands, shall not exceed twenty yards in breadth, except in such places where the said intended Rail-road shall be raised higher, or cut more than five feet deeper than the present surface of the land, and in such places where it shall be judged necessary to have off-sets for the locomotive or other engines and carriages using the said intended Rail-road, to be or pass each other; and not above one hundred and fifty yards in breadth in any place or where any houses, warehouses, toll-houses, watch-houses, weighing beams, cranes, fixed engines or inclined planes, may be erected, or goods, wares or merchandize be delivered, and then not more than two hundred yards in length by one hundred and fifty yards in breadth, without the consent of the proprietors.

After any lands have so been taken, all bodies corporate, &c. may sell their property therein to the Company of Proprietors.

X. And be it further enacted by the authority aforesaid, That after any lands or grounds shall be set out and ascertained in manner aforesaid, for making and completing the said Rail-road and other works, and other the purposes and conveniences hereinbefore mentioned, it shall and may be lawful for all bodies politic, corporate, or collegiate, corporations aggregate or sole, communities, guardians, curators, executors, administrators, and all other trustees or persons whatsoever, not only for and on behalf of themselves, their heirs and successors, but also for and on behalf of those whom they represent, whether infants, issue unborn, lunatics, idiots, *femmes couvertes* or other person or persons 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 the said Company of Proprietors, their successors or assigns, all or any part of such lands or grounds which shall from time to time 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 whatsoever, any law, statute, usage or custom to the contrary thereof in any wise notwithstanding: And all bodies politic, corporate or collegiate, or communities, and all persons whatsoever, so conveying as aforesaid, are hereby indemnified

indemnified for what he, she or they or any of them shall respectively do by virtue or in pursuance of this Act : and that all such contracts, agreements, sales, conveyances and assurances, or notarial copies thereof, shall, at the expense of the said Company of Proprietors and their successors, be deposited in the office of the Prothonotary of the Court of King's Bench for the District of Montreal, and true copies thereof shall be allowed to be good evidence in all Courts whatsoever.

XI. Provided always, and be it further enacted by the authority aforesaid, That any body politic, community, corporation, or other person or persons whomsoever, 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 as a principal sum, to be paid for the lands or grounds so set out and ascertained as necessary for making the said Rail-road, and other the purposes and conveniences relative thereto and connected therewith ; and in case the amount of such rent shall not be fixed by voluntary agreement or compromise, or by arbitration between the parties, it shall be fixed by a Jury * convened and qualified in the manner hereinafter prescribed, and all proceedings and litigations in Court shall in that case be regulated as is hereinafter prescribed ; and for the payment of the said annual rent and every other annual rent agreed upon or ascertained for the purchase of any lands or grounds, the said Rail-road and the tolls to be levied and collected thereon shall be, and are hereby made liable and chargeable, in preference to all other claims or demands thereon whatsoever.

Where no power is vested in any body corporate to sell,—a fixed annual rent to be established.

*By 13 & 14 Vict. c. 114, a system of arbitration is adopted as to the Branches authorised by that Act and 14 & 15 Vict. c. 114 :—see pages 45, &c.

XII. And be it further enacted by the authority aforesaid, that as soon as the said map or plan and book of reference shall have been made and deposited as aforesaid, it shall then be lawful for the said Company of Proprietors to apply to the several owners of the estates, lands and grounds through which such Rail-road is intended to be carried, and to agree with such owners respectively, touching the compensation to be paid to them by the said Company of Proprietors for the purchase thereof, and for their respective damages ; and in case of disagreement between the said Company and the said owners, or any of them, then all questions which shall arise between the said Company and the several proprietors of, and persons interested in any estates, lands or grounds that shall or may be taken, affected or prejudiced by the execution of any of the powers hereby granted, or any indemnification for damages which may or shall be at any time or times sustained by any bodies politic or corporate, or communities, or any other person or persons respectively, being owners of or interested in any estates, lands or grounds for or by reason of the making, repairing or maintaining the said Rail-road or other works or machines, incidental or relative thereto, or connected therewith, shall and may be settled by agreement of the

When the Company have made their map and plan and the same have been deposited according to this Act, they shall apply to the owners of the lands through which the Rail-road is to be carried, touching the compensation to be paid for the same.

the parties, or by arbitration, or if either of the parties shall not be inclined to make an agreement, or to appoint arbitrators, or by reason of absence shall be prevented from treating, or through disability by non-age, coverture or other impediment cannot treat or make such agreement or enter into such arbitration, or shall not produce a clear title to the premises which they claim an interest in, then and in every such case, the said Company of Proprietors may make application to the Court of King's Bench for the District of Montreal, stating the grounds of such application; and such Court is hereby empowered and required from time to time upon such application, to issue a Warrant directed to the Sheriff of the District of Montreal, for the time being, commanding such Sheriff to impanel, summon and return a Jury, qualified according to the laws of this Province to be returned for trials of issues joined in civil cases in the said Court of King's Bench to appear before the said Court at such time and place as in such Warrant shall be appointed, and all parties concerned may have their lawful challenge against any of the said Jurymen, but shall not challenge the array; and the said Court is hereby empowered to summon and call before them, all and every such person or persons as it shall be thought necessary to examine as witnesses touching the matters in question, and the said Court may authorize and order the said Jury or any six or more of them to view the place or places, or matter in controversy, which Jury upon their oaths (all which oaths, as well as the oaths to be taken by any person or persons who shall be called upon to give evidence, the said Court is hereby empowered to administer) shall enquire of, assess and ascertain the distinct sum or sums of money, or annual rent to be paid for the purchase of such lands or grounds, or the indemnification to be made for the damage that may or shall be sustained as aforesaid, and in so doing the said Jury shall take into consideration the damage or inconvenience which may arise by means of any bridges, roads or other communication made necessary by reason of the said Rail-road, and may assess separate damage for the same,—and the said Jury shall distinguish the value set upon the lands, and the money assessed or adjudged for damages, separate and apart from each other. And the said Court shall give judgment for such sum, rent or indemnification so to be assessed by such Juries, which said verdict and the judgment so thereupon pronounced shall be binding and conclusive to all intents and purposes against the King's Majesty, His Heirs and Successors, and against all bodies politic, corporate or collegiate, or communities, and all persons whomsoever.

How disputes,
where a
verdict is
given for more
money as
indemnifica-

XIII. And be it further enacted by the authority aforesaid, That in all cases where a verdict shall be given for more money as an indemnification or satisfaction for any lands, grounds, or hereditaments, or property, or for any damage done to any lands, grounds, hereditaments or property, or for any annual

annual rent of any lands, grounds, hereditaments, rents or property, of any person or persons whomsoever, than had previously been offered by or on behalf of the said Company of Proprietors, then all the expenses of summoning such Jury and taking such inquest shall be settled by the Court and defrayed by the said Company of Proprietors; but if any verdict shall be given for the same, or a less sum than had been previously offered by and on behalf of the said Company of Proprietors, or in case no damages shall be given by the verdict when the dispute is for damages only, then and in every such case the costs and expenses shall be settled in like manner by the Court, and be borne and paid by the party or parties with whom the said Company of Proprietors shall have had such controversy; which said costs and expenses having been so settled, shall and may be deducted out of the money so assessed and adjudged, when the same shall exceed such costs and expenses, as so much money advanced to and for the use of such person or persons; and the payment or tender of the remainder of such money shall be deemed and taken, to all intents and purposes, to be a payment or tender of the whole sum or sums so assessed or adjudged as aforesaid.

tion than has been previously offered by the Company, are to be settled.

XIV. Provided further, and be it further enacted by the authority aforesaid, That all and every person or persons making complaint and requesting such Jury, shall, before the issue of the warrant or warrants for the summoning such Jury as aforesaid, enter into a Bond before one of the Judges of the Court of King's Bench for the District of Montreal with one sufficient surety, to the Treasurer of the said Company of Proprietors, or their successors, for the time being, in the penalty of two hundred pounds currency, to prosecute his, her or their complaint, and to bear and pay the costs and expenses of summoning such Jury and taking such inquest, in case a verdict shall be given for no more, or for a less sum or rent than had been offered by or on behalf of the said Company of Proprietors, or their successors, before the summoning and returning the said Jury or Juries, as an indemnification or satisfaction for any lands, grounds or hereditaments, or for any annual rent, or for any damages as aforesaid.

Security to be given by persons not satisfied with compensation.

XV. And be it further enacted by the authority aforesaid, That upon payment or legal tender of such sum or sums of money or annual rent, as shall be contracted or agreed for between the parties, or determined by arbitrators, or assessed by such Juries in manner respectively as aforesaid to the Proprietors thereof, or other person or persons entitled to receive the same, or to the principal officer or officers of any such body politic, corporate or collegiate, or community, at any time after the same shall have been so agreed for, determined or assessed, such lands, grounds and hereditaments or property respectively may be entered upon and taken possession of by the said Company of Proprietors, and applied to the purpose of making and maintaining

On payment or legal tender of the money or annual rent, such lands may be taken in possession by the Company.

maintaining the said Rail-road and other works and conveniences thereunto appertaining.

All agree-
ments, sales,
&c. to be kept
by the Pro-
thonotary of
the Court of
King's Bench
at Montreal.

XVI. And be it further enacted by the authority aforesaid, That all agreements, sales and conveyances, and all determinations by arbitration as aforesaid, or notarial copies thereof when the same may be passed before Notaries, and also the said verdicts and judgments thereupon, shall be transmitted to and kept by the Prothonotary of the Court of King's Bench for the District of Montreal, to be kept among the records of the said Court, and shall be deemed and taken to be records of the said Court to all intents and purposes; and the same, or true copies thereof, shall be allowed to be good evidence in all Courts whatsoever in this Province, and all persons shall have liberty to inspect the same, paying for each inspection the sum of one shilling, currency, and to have and obtain copies thereof, paying for every copy thereof, not exceeding one hundred words, the sum of six pence currency, and so in proportion for any number of words; and immediately on such payments of purchase money or rent as aforesaid, and entry of such agreements, sales, conveyances, determinations by arbitration, verdicts, Judgments, and other proceedings of the said Court and Jurics, all the estate, right, title, interest, use, trust, property, claim and demand, in law and equity, of the person or persons for whose use such money or rent shall be paid into and out of the said lands, grounds, tenements, hereditaments and premises, shall vest in the said Company of Proprietors and their successors, and they shall respectively be deemed in law to be in actual possession and seisin of the same to all intents and purposes whatsoever, as fully and effectually as if every person having an estate therein had been able to convey and had actually conveyed the same to them by the most effectual legal conveyance; and such payment shall bar all right, title, interest, claim and demand of the person or persons to whose use the same shall be made, bodies politic, corporate or collegiate, ecclesiastical or civil communities, women subject to marital authority, minors, interdicted persons or absentees, who may have or claim to have any right, title, interest, claim or demand therein, and of every other person or persons whomsoever, even for dower not yet open, (*douaire non encore ouvert*), any law to the contrary notwithstanding.

All applica-
tions for in-
demnity for
damage done
under this
Act, to be
made within a
certain time.

XVII. And be it further enacted by the authority aforesaid, That application to the said Court for indemnity 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 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 there-
upon,

upon, and may aver that the same was done in pursuance and by authority of this Act.

XVIII. And be it further enacted by the authority aforesaid, That if any person shall, by any means or in any manner or way whatsoever, obstruct or interrupt the free use of the said Rail-road, or the carriages, engines or other works incidental or relative thereto, or connected therewith, such person shall for every such offence incur a forfeiture or penalty of not less than five pounds nor exceeding ten pounds currency ; one half of which penalty or forfeiture, to be recovered before one or more Justices of the Peace for the said District of Montreal, shall go to the prosecutor or informer, and the other half to His Majesty, His Heirs and Successors, and shall be paid into the hands of the Receiver General, and be applied for the public uses of this Province, and the support of the Government thereof.

Penalty on persons obstructing the free use of the Rail-road.

XIX. And be it further enacted by the authority aforesaid, That if any person or persons shall wilfully and maliciously, and to the prejudice of the said Rail-road authorized to be made by this Act, break, throw down, damage or destroy the same or any part thereof, or any of the houses, warehouses, toll-houses, watch-houses, weigh-beams, cranes, carriages, engines, inclined planes, machines or other works or devices, incidental and relative thereto or connected therewith, or other wilful hurt or mischief, to obstruct, hinder or prevent the carrying on, completing, supporting, and maintaining the said intended Rail-road, such person or persons shall be adjudged guilty of felony, and the Court by and before whom such person or persons shall be tried and convicted, shall have power and authority to cause such person or to be punished in like manner as felons are directed to be punished by the laws in force in this Province, or in mitigation thereof to award such sentence as the law directs in cases of petty larceny, as to such Court shall seem fitting.

Penalty on persons breaking down or damaging the Rail-road or any houses.

Provisions of a similar nature are made by sections 18, 19 & 20 of 16 Vict. c. 78, pages 64 & 65, which see.

XX. And to the end that the said Company of Proprietors may be enabled to carry on so useful an undertaking, Be it enacted by the authority aforesaid, That it shall and may be lawful for the said Company of Proprietors and their successors, to raise and contribute among themselves, in such proportions as to them shall seem meet and convenient, a competent sum of money for the making and completing the said Rail-road, and all such other works, matters and conveniences as may be found necessary for making, effecting, preserving, improving, completing, maintaining and using the said Rail-road and other works : Provided always that the members of the said Corporation, whose names are hereinbefore mentioned, shall cause books of subscription to be opened in the said City of Montreal, for receiving the signatures of persons willing to become subscribers to the said undertaking, and for this purpose they shall be held and bound to give public notice during at least four successive weeks in the *Montreal Gazette* and in any other public

Company of Proprietors to contribute among themselves the necessary sums for carrying on their undertaking.

Proviso.

public

public newspaper published in the said City of Montreal in the French language, of the time and place at which such books will be opened and ready for receiving signatures as aforesaid, and of the persons by them authorized to receive such subscriptions, and every person who shall write his or her signature in such book as a subscriber to the said undertaking shall thereby become a member of the said Corporation, and shall have the same rights and privileges as such as are hereby conferred on the several persons who are herein mentioned by name as members of the said Corporation. Provided always that the sum so raised shall not exceed the sum of fifty thousand pounds currency of this Province in the whole, except as is hereinafter mentioned, and that the same be divided into such number of shares as hereafter directed, at a price not exceeding fifty pounds currency aforesaid per share; and the money so to be raised is hereby directed and appointed to be laid out and applied in the first place for and towards the payment, discharge and satisfaction of all fees and disbursements for obtaining and passing this Act, and for making the surveys, plans and estimates incident thereunto, and all other expenses relating thereunto, and all the rest, residue and remainder of such money for and towards making, completing and maintaining the said Rail-road, and other the purposes of this Act, and to no other use, intent or purpose whatever.

Proviso.

£50,000 that may be raised by the Company of Proprietors, to be divided into shares.

XXI. And be it further enacted by the authority aforesaid, That the said sum of fifty thousand pounds currency, or such part thereof as shall be raised by the several persons hereinbefore named, and by such other person or persons who shall or may at any time within twelve calendar months from the time this Act shall obtain the Royal assent, become a subscriber or subscribers to the said Rail-road, shall be divided and distinguished into one thousand equal parts or shares, at a price not exceeding fifty pounds currency aforesaid per share, and that the shares be deemed personal estate, and shall be transferred as such, and that the said one thousand shares shall be and are hereby vested in the said several subscribers and their several and respective heirs, executors, curators, administrators and assigns, to their and every of their proper use and behoof, proportionally to the sum they and each of them shall severally subscribe and pay thereunto, and all and every the bodies politic, corporate or collegiate, or communities, and all and every person or persons, their several and respective successors, executors, curators, administrators and assigns, who shall severally subscribe and pay the sum of fifty pounds, or such sum or sums as shall be demanded in lieu thereof, towards carrying on and completing the said intended Rail-road, shall be entitled to and receive, after the said Rail-road shall be completed, the entire and net distribution of one thousandth part of the profits and advantages that shall and may arise and accrue by virtue of the sum and sums of money to be raised, recovered or received by

by the authority of this Act, and so in proportion for any greater number of shares ; and every body politic, corporate or collegiate, or community, person or persons, having such property of one thousandth part or share in the said undertaking, and so in proportion as aforesaid, shall bear and pay an adequate and proportional sum of money towards carrying on the said undertaking in manner by this Act directed and appointed.

XXII. And be it further enacted by the authority aforesaid, That in case the said sum of fifty thousand pounds, hereinbefore authorized to be raised, shall be found insufficient for the purposes of this Act, then and in such case it shall be lawful for the said Company of Proprietors to raise and contribute amongst themselves, in manner and form aforesaid, and in such shares and proportions as to them shall seem meet, or by the admission of new subscribers, a further or other sum of money for completing and perfecting the said intended Rail-road, and other works and conveniences incidental or relative thereto, not exceeding the sum of fifteen thousand pounds currency aforesaid*, and every subscriber towards raising such further or other sum of money shall be a proprietor in the said undertaking, and have a like vote by himself, or herself, or his or her proxy, in respect of every share in the said additional sum so to be raised, and shall also be liable to such obligations and stand interested in all the profits and powers of the said undertaking in proportion to the sum he, she or they shall or may subscribe thereto, as generally and extensively as if such other or further sum had been originally raised, and a part of the said first sum of fifty thousand pounds, any thing herein contained to the contrary notwithstanding.

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

* By 13 & 14 Vic. c. 14 and by 14 & 15 Vic. c. 144, and 16 Vic. c. 78, the Company are authorized to borrow further amounts.

XXIII. And be it further enacted by the authority aforesaid, that *the number of votes which each proprietor of shares in the said undertaking shall be entitled on every occasion when, in conformity to the provisions of this Act, the votes of the members of the said Company of Proprietors are to be given, shall be in the proportion following, that is to say :*

Voting and Proxies.

All in Italics repeated by sect. 6 of 16 Vic. chap. 78, page 59— which see.

For one share and not more than two, one vote ; for every two shares above two and not exceeding ten, one vote, making five votes for ten shares ; for every four shares above ten and not exceeding thirty, one vote, making ten votes for thirty shares ; for every six shares above thirty, and not exceeding sixty, one vote, making fifteen votes for sixty shares ; for every eight shares above sixty, and not exceeding one hundred, one vote, making twenty votes for one hundred shares ; and for every ten shares above one hundred shares, and not exceeding one hundred and fifty, one vote, making twenty-five votes for one hundred and fifty shares : but no person or persons, co-partnership, body politic, corporate or collegiate, or community, being a member or members of the said Company, shall be entitled to a greater number than twenty-five votes ; and all proprietors of shares resident within

within

within the Province, or elsewhere, may vote by proxy, if he, she, or they shall see fit, provided that such proxy do produce from his constituent or constituents, an appointment in writing, in the words or to the effect following, that is to say :

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

And such vote or votes by proxy, shall be as valid as if such principal or principals had voted in person ; and whatever question, election of proper officers, or matters or things shall be proposed, discussed or considered in any public meeting of proprietors, to be held by virtue of this Act, shall be determined by the majority of votes and proxies then present and so given as aforesaid. *Provided nevertheless that no person shall act as proxy at any meeting for any absent proprietors, for more than one hundred and fifty shares ;* and at every such meeting, one of the proprietors present shall be appointed Chairman, and shall not only vote as a proprietor, but, in case of equality of votes, shall have the decisive or casting vote.

Italics repeated—see note above.

Treasurer and Clerk to be British subjects.

But President and Directors need not be such—see 14 & 15 Vic. c. 141, sect. 7.

Holding of first general meeting of proprietors.

XXIV. Provided always, and be it further enacted by the authority aforesaid, That no proprietor who shall not be a natural born subject of His Majesty, or a subject of His Majesty naturalized by Act of the British Parliament, or by Act of the Parliament of this Province, shall be elected *President, Treasurer or Clerk, or one of the Committee* of the said Corporation.

XXV. And be it further enacted by the authority aforesaid, That the first general meeting of the proprietors for putting this Act in execution, shall be held at the Court House in the City of Montreal, within one month after five hundred shares in the said undertaking shall have been subscribed—provided that public notice thereof be given during two consecutive weeks in the *Montreal Gazette*, and in any other paper published in the French language in the city of Montreal, and the second general meeting shall be held at such time and place as the said proprietors or majority present at their said first meeting, shall appoint ; and the said general meeting shall thereafter be held twice in every year, and at such said first general meeting, the proprietors assembled, together with such proxies as shall be present, shall choose nine persons being each a proprietor of

of five or more shares in the said undertaking, out of whom any five or more of them shall be a Committee for managing the affairs of the said Company of Proprietors, in such manner as is hereinafter directed, and as shall from time to time be ordered by such general meetings; but if at any time it shall appear to any eleven or more of such proprietors, holding together one hundred and fifty shares at least, that for more effectually putting this Act in execution, a special meeting of proprietors is necessary to be held, it shall be lawful for such eleven or more of them to cause fifteen days' notice at least to be given thereof in the Gazettes aforesaid, or in such manner as the proprietors, or their successors, shall at any general meeting direct or appoint, specifying in such notice the time and place, and the reason and intention of such special meetings respectively; and the proprietors are hereby authorized to meet pursuant to such notices, and proceed to the execution of the powers by this Act given them, with respect to the matters so specified only; and all such acts of the proprietors or the majority of them, at such special meetings assembled, such majority not having either as principals or proxies less than two hundred and fifty shares, shall be as valid to all intents and purposes as if the same were done at general meetings. Proviso.
 Provided always, and it shall and may be lawful for the said Company of Proprietors at such special meetings, in like manner as at general meetings, in case of the death, absence, resignation or removal of any person named of the Committee, to manage the affairs of the said Company of Proprietors in manner aforesaid, to choose and appoint another or others in the room or stead of those of such Committee who may die, or be absent, resign or be removed as aforesaid, any thing in this Act to the contrary notwithstanding.

XXVI. And be it further enacted by the authority aforesaid, That no one member of the said Committee, though he may be a proprietor of many shares, shall have more than one vote in the said Committee, except the Chairman, who shall be chosen by and out of the said Committee, and who, in case of a division of equal numbers, shall have the casting vote, although he may have given one vote before. And provided also, that such Committee shall from time to time be subject to the examination and control of the said general and other meetings of the said proprietors as aforesaid, and shall pay due obedience to all such orders and directions in and about the premises, as they shall from time to time receive from the said proprietors, at such general or other meetings; such orders and directions not being contrary to any express directions or provisions in this Act contained. No member of the Committee, except the Chairman, to have more than one vote in the Committee. Proviso.

XXVII. Provided always, and be it further enacted by the authority aforesaid, That no person holding any office, place or employment, or being concerned or interested in any contract or contracts under the said Company, shall be capable of being chosen No person holding an office, &c. under the Company, to be chosen

be chosen a member of the Committee.

chosen a member of the Committee for managing the affairs of the said Company.

General meeting may call for and settle all accounts of money laid out and disbursed on behalf of the said undertaking.

XXVIII. And be it further enacted by the authority aforesaid, That every such general meeting shall have power to call for, audit and settle all accounts of money laid out and disbursed on account of the said undertaking, with the Treasurer, Receiver and Receivers, and other officer and officers to be by them or by their said Committee appointed, or any other person or persons whatsoever employed by, or concerned for or under them, in and about the said undertaking, and to that purpose shall have power to adjourn themselves over from time to time and from place to place, as shall be thought convenient by the persons entitled to a majority of votes in manner aforesaid: and every general meeting, or such Committee assembled by the authority of this Act, shall have power from time to time to make such call or calls of money from the proprietors of the said undertaking, to defray the expense of, or to carry on the same, as they from time to time shall find wanting and necessary for these purposes. Provided, however, that no call do exceed the sum of five pounds current money of this Province for every share of fifty pounds; and provided also, that no calls be made but at the distance of one calendar month from each other; and such Committee shall have full power and authority to direct and manage all and every the affairs of the said Company of Proprietors, as well as contracting for and purchasing lands, rights and materials for the use of the said undertaking, as in employing, ordering and directing the work and workmen; and in placing and removing under-officers, clerks, servants and agents, and in making all contracts and bargains touching the said undertaking, so that no such purchase, bargain, or other matter, be done or transacted without the concurrence of a majority of such Committee, and the owner or owners of one or more share or shares in the said undertaking, shall pay his, her or their shares and proportion of the monies to be called for as aforesaid, to such person or persons, and at such time and place as the said general meeting or Committee shall from time to time appoint and direct, of which three weeks' notice at least shall be given in the *Montreal Gazette*, and in any other paper published in the French language, in the City of Montreal, or in such other manner as the said proprietors or their successors shall at any general meeting direct or appoint; and if any person or persons shall neglect or refuse to pay his, her or their rateable or proportionable part or share of the said money, to be called for as aforesaid, at the time and place appointed by such general meeting or Committee, he, she or they, neglecting or refusing, shall forfeit a sum not exceeding five pounds for every one hundred pounds of his, her or their respective share and shares in the said undertaking; and in case such person or persons shall neglect to pay his, her or their rateable calls, as aforesaid, for the space of two calendar months after the time appointed for the payment thereof

Proviso.

Forfeiture of shares.

thereof as aforesaid, then he, she or they shall forfeit his, her and their respective share and shares in the said undertaking, and all the profit and benefit thereof; all which forfeitures shall go to the rest of the Company of Proprietors of the said undertaking, their successors and assigns, in trust for, and for the benefit of the said proprietors in proportion to their respective interests.

XXIX. Provided always, and be it further enacted by the authority aforesaid, That no advantage shall be taken of the forfeiture of any share or shares of the said undertaking, unless the same shall be declared to be forfeited at some general meeting of the said Company of Proprietors assembled at any time after such forfeiture shall be incurred, and every such forfeiture shall be an indemnification to and for every proprietor so forfeiting against all action and actions, suits or prosecutions whatever, to be commenced or prosecuted for any breach of contract or other agreement between such proprietor and the other proprietors with regard to carrying on the said Rail-road or undertaking.

No advantage to be taken of the forfeiture of any shares unless declared at a General Meeting.

XXX. And be it further enacted by the authority aforesaid, that the said Company of Proprietors and their successors, shall always have power and authority at any general meeting assembled as aforesaid, to remove any person or persons chosen upon such Committee as aforesaid, and to elect others to be of the Committee in the room of those who shall die, resign or be removed, and to remove any other officer or officers under them, and to revoke, alter, amend or change any of the rules and directions hereinbefore prescribed with regard to their proceedings amongst themselves (the method of calling general meetings, and their time and place of assembling, and manner of voting, and of appointing Committees only excepted,) and shall have power to make such new rules, by-laws and orders, for the good government of the said Company and their servants, agents and workmen, for the good and orderly making, maintaining and using the said Rail-road and all other works connected therewith, or belonging thereto, and for the well governing of all persons whatsoever travelling upon or using the said Rail-road, and other works, or transporting any goods, wares, merchandize or other commodities thereon; and to impose and inflict such reasonable fines or forfeitures upon the persons guilty of a breach of such new rules, by-laws or orders as to such general meeting shall seem meet, not exceeding the sum of fifty shillings current money of the Province for every offence; such fines or forfeitures to be levied and recovered by such ways and means as are hereinafter mentioned; which said rules, by-laws and orders, being put into writing under the common seal of the said Company of Proprietors, shall be published at least twice in the *Montreal Gazette*, and in any other paper published in the French language in the City of Montreal, and affixed in the office of the said Company of Proprietors,

Company of Proprietors may remove any person chosen upon such Committee and elect others to be of the Committee, in case of death, &c.

They may make By-laws.

See 13 & 14 Vic. c. 114, sec. 30; 14 & 15 Vic. c. 144, sec. 5; & 16 Vic. c. 78, sec. 17.

Proprietors, and in all and every of the places where tolls are to be gathered, and in like manner as often as any change or alteration shall be made to the same; and the said rules, by-laws and orders, so made and published as aforesaid, shall be binding upon and observed by all parties, and shall be sufficient in any Court of law or equity to justify all persons who shall act under the same.

Proprietors of the said Rail-road may dispose of their shares.

XXXI. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the several proprietors of the said Rail-road or undertaking, to sell or dispose of his, her or their share or shares therein, subject to the rules and conditions herein mentioned, and every purchaser shall have a duplicate of the deed of bargain and sale and conveyance made unto him or her, and one part of such deed, duly executed by the seller and purchaser, shall be delivered to the said Committee or their Clerk for the time being, to be filed and kept for the use of the said Company, and an entry thereof shall be made in a book or books to be kept by the said Clerk for that purpose, for which no more than one shilling and three pence shall be paid, and the said Clerk is hereby required to make such entry accordingly; and until such duplicate of such deed shall be so delivered to the said Committee or their Clerk, and filed and entered as above directed, such purchaser or purchasers shall have no part or share of the profits of the said undertaking, nor any interest for the said share or shares, paid unto him, her or them, nor any vote as a proprietor or proprietors.

Form of the sale of the shares.

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

“ I, A. B. in consideration of the sum of _____, paid
 “ to me by C. D. of _____, do hereby bargain, sell and
 “ transfer to the said C. D. _____ share (or shares) of the
 “ Stock of the ‘ Champlain and Saint Lawrence Rail-road,’ to
 “ hold to him the said C. D. his heirs, executors, curators,
 “ administrators and assigns, subject to the same rules and
 “ orders, and on the same conditions that I held the same im-
 “ mediately before the execution hereof. And I, the said C.
 “ D. do hereby agree to accept of the said _____ (share or
 “ shares) subject to the same rules, orders and conditions.
 “ Witness our hands and seals, this _____ day of
 “ _____ in the year _____ ”

Company may appoint a Treasurer and Clerk, &c.

XXXIII. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the said Company of Proprietors, and they are hereby authorized from time to time to nominate and appoint a Treasurer or Treasurers, and a Clerk or Clerks to the said Company, taking such security for the due execution of their respective offices as the said

said Company of Proprietors shall think proper; and such Clerk shall in a proper book or books enter and keep a true and perfect account of the names and places of abode of the several proprietors of the said Rail-road or undertaking, and of the several persons who shall from time to time become owners and proprietors of, or entitled to any share or shares therein, and of all the other acts, proceedings and transactions of the said Company of Proprietors, and of the Committee for the time being, by virtue of, and under the authority of this Act.

XXXIV. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the said Company of Proprietors, and their successors and assigns, from time to time, and at all times hereafter, to ask, demand, take and recover, to and for their own proper use and behoof, for all goods, wares, merchandize and commodities of whatever description transported upon the said Rail-road, twelve shillings and six pence currency of this Province per ton weight and for every passenger four shillings currency, the said rates to be paid respectively for the whole distance from the Port of Saint Johns to the River Saint Lawrence aforesaid, and so in proportion for each mile of the said distance, and shall be paid to such person or persons, and at such place or places near to the said Rail-road, in such manner and under such regulations as the said Company of Proprietors or their successors shall direct and appoint, and in case of denial or neglect of payment of any such rates or dues, or any part thereof, on demand, to the person or persons appointed to receive the same as aforesaid, the said Company of Proprietors may sue for and recover the same in any Court having competent jurisdiction, or the person or persons to whom the said rates or dues ought to be paid, may, and he is, and they are hereby empowered to seize and detain such goods, wares, merchandize or other commodities, for on in respect whereof such rates or dues ought to be paid, and detain the same until payment thereof; and in the mean time the said goods, wares, merchandize or other commodities to be at the risk of the owner or owners thereof, and the said Company of Proprietors shall have full power, from time to time at any general meeting, to lower or reduce all or any of the said rates and dues, and again to raise the same, not exceeding the sums before mentioned, as often as it shall be deemed necessary for the interest of the said undertaking.

XXXV. And in order to ascertain the amount of clear profits of the said undertaking, Be it therefore further enacted by the authority aforesaid, That the said Company, or the Committee for managing the affairs of the said Company, shall, and they are hereby required to cause a true, exact and particular account to be kept and annually made up and balanced on the *thirtieth day of November* in each year, of the money collected and received by the said Company, or by the Committee or Treasurer

Company of Proprietors may establish certain rates for all goods, &c. passing on the Rail-road.

See 16 Vic. c. 78, sec. 17.

Amount of profits when to be annually made up and balanced.

* By 4 Vict. c. 18, sect. 2, page 32, the Company are of

allowed to fix by By-law the time of balancing account.

*By 6 Wm. 4, c. 6, and 4 Wm. 4, c. 18, this error is corrected. It should be "half yearly."

Proviso.

of the said Company, or otherwise, for the use of the said Company, by virtue of this Act, and of the charges and expenses attending the erecting, making, supporting, maintaining and carrying on the said works, and of all other receipts and expenditure of the said Company or the said Committee; and at the *biennial** meetings of the proprietors of the said undertaking to be from time to time holden as aforesaid, or at some adjournment thereof, a dividend shall be made out of the clear profits of the said undertaking, unless such *biennial* meetings shall declare otherwise, and such dividend shall be at and after the rate of so much per share upon the several shares held by the members thereof, on the joint stock of the said Company, as such meeting or meetings shall think fit to appoint or determine; Provided always that no dividend shall be made whereby the capital of the said Company shall be in any degree reduced or impaired, nor shall any dividend be paid in respect of any share after a day appointed for payment of any call for money in respect thereof, until such call shall have been paid.

After the expiration of the first year after the Rail-road is completed, the several rates to be yearly regulated by the amount of dividends declared in the preceding year.

XXXVI. Provided always, and be it further enacted by the authority aforesaid, That from and after the expiration of the first entire year ending on the thirtieth day of November, after the said Rail-road shall have been completed and opened, the several rates by this Act granted shall yearly and every year be regulated by the amount of dividends which the said Company shall have declared for the preceding year, that is to say: if the said Company shall have declared for the preceding year a dividend not exceeding six pounds currency on each and every share in the said undertaking, the said Company shall be and they are hereby authorized and empowered to demand and receive not exceeding the maximum rates by this Act granted; but when and so often as the said Company shall have declared for the preceding year a dividend to a greater amount than six pounds per share, the said Company shall and they are hereby directed and required for the year next ensuing such declaration of dividend to make an abatement or reduction from such maximum rate of five pounds per centum on the amount of such maximum rates for each and every ten shillings per share which they shall divide over and above the said dividend of six pounds per share.

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

XXXVII. Provided always, and be it further enacted by the authority aforesaid, That in all cases when there shall be a fraction in the distance which goods, wares, merchandize or other commodities or passengers shall be conveyed or transported on the said Rail-road, such fraction shall, in ascertaining the said rates, be deemed and considered as a whole mile, and that in all cases where there shall be a fraction of a ton in the weight of any such goods, wares, merchandize or other commodities, a proportion of the said rates shall be demanded and taken by the said Company of Proprietors to the number of quarters of a ton contained therein; and in all cases where there

there shall be a fraction of a quarter of a ton, such fraction shall be deemed and considered as a whole quarter of a ton.

XXXVIII. Provided always, and be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the said Company of Proprietors, their successors and assigns, from time to time at any general meeting of the said proprietors, to make such by-law or by-laws for ascertaining and fixing the price or sum or sums of money to be charged or taken for the carriage of any parcel not exceeding one hundred and twenty pounds weight, as aforesaid, upon the said Rail-road, or any part thereof, as to them shall seem fit and reasonable; and that the said Company of Proprietors and their successors and assigns shall from time to time print and stick up, or cause to be printed and stuck up in their office, and in all and every of the places where the tolls, rates and dues are to be collected, in some conspicuous place there, a printed paper ascertaining and particularizing the price or sum or sums of money to be charged or taken for the carriage of such parcels not exceeding one hundred and twenty pounds weight as aforesaid, upon the said Rail-road, or upon any part thereof.

Company may make by-laws for fixing the price for the carriage of parcels on the Rail-road.

See 13 & 14 Vic. c. 144, sec. 5; 14 & 15 Vic. c. 144, sec. 30; & 16 Vic. c. 73, sec. 17.

XXXIX. And be it further enacted by the authority aforesaid, That the said Company of Proprietors shall, within six calendar months after any lands shall be taken for the use of the said Rail-road or undertaking, divide and separate, and keep constantly divided and separated, the land so taken from the lands or grounds adjoining thereto, with a sufficient post and rail, hedge, ditch, trench, bank, or other fence sufficient to keep off hogs, sheep and cattle, to be set and made on the lands or grounds which shall be purchased by, conveyed to, or vested in the said Company of Proprietors as aforesaid, and shall, at their own costs and charges, from time to time, maintain, support and keep in sufficient repair the said posts, rails, hedges, trenches, banks, and other fences so set up and made as aforesaid.

Fences to divide lands of Rail-road from adjoining lands.

But by 4 Vic. c. 18, sect. 4, Company need not divide off such parts of La-prairie Common as are taken for Rail-road, unless specially required by Governor.

XL. And be it further enacted by the authority aforesaid, That as soon as conveniently may be after the said Rail-road or undertaking shall be completed, the said Company of Proprietors shall cause the same to be measured, and stones with proper inscriptions on the sides thereof, denoting the distances, to be erected and for ever after maintained, at the distance of every mile from each other.

Company to have Rail-road measured, and mile stones placed thereon.

XLI. And be it further enacted by the authority aforesaid, That the said Company of Proprietors, their successors and assigns, shall and are hereby required and directed to take a sufficient security, by one or more bond or bonds, in a sufficient penalty or penalties; from their Treasurer, Receiver and Collector for the time being, of the monies to be raised by virtue of this Act, for the faithful execution by such Treasurer,

Treasurer and Receiver and Collector to give security for the faithful discharge of their offices.

Receiver

Receiver and Collector, of his and their office and offices respectively.

Company of Proprietors may compel the persons subscribing to pay the amount of their shares.

XLII. And whereas several persons have subscribed or may hereafter subscribe to advance money towards carrying the purpose of this Act into execution, Be it therefore further enacted by the authority aforesaid, That the several person and persons who have subscribed, or who shall hereafter subscribe to advance any money for and towards making and maintaining the said Rail-road and other works connected therewith, shall, and they are hereby required to pay the sum or sums of money by them respectively subscribed, or such parts or portions thereof, as shall from time to time be called for by the said Company of Proprietors, under and by virtue of the powers and directions of this Act, to such person or persons, and at such times and places as shall be directed by the said Company of Proprietors, or the said Committee, in manner before mentioned, and in case any person or persons shall neglect or refuse to pay the same at the time and in manner required for that purpose, it shall be lawful for the said Company of Proprietors to sue for and recover the same in any Court of law having competent jurisdiction.

Forfeitures under this Act, how to be recovered and applied.

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

unless such penalty or forfeiture, and all expenses attending the same, shall be sooner paid and satisfied.

XLIV. And be it further enacted by the authority aforesaid, That if any person or persons shall think himself, herself or themselves aggrieved by any thing done by any Justice of the Peace in pursuance of this Act, every such person or persons may, within four calendar months after the doing thereof, appeal to the Justices of the Peace at the General Quarter Sessions to be holden in and for the District of Montreal.

Persons aggrieved may appeal to the Justices of the Peace at the General Sessions.

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

Limitation of actions.

XLVI. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the said Company of Proprietors, in constructing and making the said Rail-road, to take and appropriate for the use of the same, so much of the land covered with the waters of the River Richelieu or of the land covered with the waters of the River Saint Lawrence, or of their respective beds, as may be found necessary for the making and completing, or more conveniently using the same, and thereon to erect such wharves, quays, inclined planes, cranes and other works, as to the said Company shall seem meet: Provided always, that nothing herein contained shall extend or be construed to extend to authorize the Company of Proprietors to take or appropriate for the use of the said Rail-road, or in constructing or making the same, any part of the bank of the said Richelieu, or of the land covered with the said Richelieu, within the distance of one thousand four hundred feet English measure above the bridge across the said River Richelieu, at the

Company may take land covered with the waters of the Rivers Richelieu and Saint Lawrence for the use of the said Rail-road. Proviso.

the said Port of Dorchester or Saint John, unless with the approbation and consent of the Commissioners appointed under an Act passed in the third year of the Reign of His late Majesty King George the Fourth, chapter forty-one, for making a navigable Canal from, at or near the said Town of Saint John to the Basin of Chambly.

Rail-road to be completed within a certain time—

This period was extended by 3 Wm. 4, c. 7, which being effete, is not printed with these Acts.

That any time before or after making this Rail-road, His Majesty may assume the possession and property of the same on paying to the Company the full amount of their shares.

This section is repealed by sect 25 of 13 & 14 Vict. c. 114, and other provisions substituted in lieu thereof by sect. 28 of the same Act.

Company annually to submit to the Legislature a detailed account with a statement of

XLVII. And be it further enacted by the authority aforesaid, That the said Company of Proprietors, to entitle themselves to the benefit and advantages to them granted by this Act, shall and they are hereby required to make and complete the said Rail-road, from the navigable waters of Lake Champlain to the River Saint Lawrence in manner aforesaid, within three years from the passing of this Act; and that the book and plan hereby required to be prepared, shall be prepared and deposited of record within twelve months next after the passing of this Act, and if the same shall not be so made, completed and deposited within the said period, so as to be used by the public as aforesaid, then this Act and every matter and thing therein contained, shall cease and be utterly null and void.

XLVIII. And be it further enacted by the authority aforesaid, That any time before or after the making and completing of the said Rail-road or undertaking, it shall and may be lawful for His Majesty, His Heirs and Successors, to assume the possession and property of the same, and of all and every the works and dependencies therunto belonging or in any wise appertaining, upon paying to the said Company of Proprietors, their successors and assigns, the full amount of their respective shares or of the sums furnished and advanced by such subscriber towards making and completing the said Rail-road and works connected therewith, together with such further sum as will amount to twenty per centum upon the monies so advanced and paid, as full indemnification to such Company of Proprietors, by annual payments of at least twenty per cent. allowing moreover to the said Company six per cent. interest upon the unredeemed part of the capital, but not allowing them any interest upon the advance of twenty per cent. which is allowed them as aforesaid, and the said Rail-road or undertaking, and all and every the works and dependencies therunto belonging, shall, from the time of such assumption in manner aforesaid, appertain and belong to His Majesty, His Heirs and Successors, who shall from thenceforward be substituted in the place and stead of the said Company of Proprietors, their successors and assigns, for all and every the purposes of this Act, in so far as regards the said Rail-road or undertaking.

XLIX. And be it further enacted by the authority aforesaid, That the said Company shall annually submit to the three branches of the Legislature, within the first fifteen days after the opening of each Session of the Provincial Parliament, a detailed and particular account, attested upon oath, of the monies

monies by them received and expended under and by virtue of this Act, with a statement of the amount of tonnage and of passengers that have been conveyed along the said Road.

the amount of tonnage, &c., conveyed along the road.

L. And be it further enacted by the authority aforesaid, That nothing herein contained shall affect or be construed to affect, in any manner or way whatsoever, the rights of His Majesty, His Heirs and Successors, or of any person or persons, or of any bodies politic, corporate or collegiate, such only excepted as are herein mentioned.

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

LI. And be it further enacted by the authority aforesaid, That this Act shall be deemed and taken to be a Public Act, and as such shall be judicially taken notice of by all Judges, Justices of the Peace and others, without being specially pleaded.

Public Act.

ANNO SEXTO GULIELMI IV.

C A P. V I.

An Act to amend and extend the Provisions of an Act, intituled, "An Act for making a Rail-Road from Lake Champlain to the River Saint Lawrence."

WHEREAS by an Act passed in the Second Year of the Reign of His Majesty William the Fourth, intituled, "An Act for making a Rail-Road from Lake Champlain to the River Saint Lawrence," which said Act has been amended and extended by a certain Act passed in the Third Year of the Reign of His Majesty, intituled, "An Act to amend and extend the Provisions of an Act, intituled, 'An Act for making a Rail-road from Lake Champlain to the River Saint Lawrence,'" certain persons, in the said Act named and designated, were united into a Company for the carrying on, making, completing and maintaining a Rail-road, to be called the "Champlain and Saint Lawrence Rail-Road," according to the rules, orders and directions in the said Act expressed, and were for that purpose declared to be one body politic and corporate, under the name of "The Company of Proprietors of the Champlain and Saint Lawrence Rail-Road." And Whereas for the purpose of increasing the public benefit to be expected from the said Act, and to afford a more easy, cheap, safe and expeditious conveyance for all goods, chattels, wares, commodities and passengers from the navigable waters of Lake Champlain to the City of Montreal, and generally to facilitate and promote the Trade of this Province, it is expedient to extend the provisions of the said Act, and to confer upon the said Company of Proprietors of the Champlain and Saint Lawrence Rail-Road, the right to hold a Ferry, and to transport, carry and convey all goods, chattels, wares, commodities and passengers across the River Saint Lawrence to and from the Harbour of Montreal: Be it therefore enacted by the King's

Preamble.

* This Act is not printed here, being effete.

In addition to the rights, &c. granted by former Act, further powers

Most

granted to hold a ferry and to employ steamboats for transportation of goods, &c.

The Company are also empowered by 13 & 14 Vict. c. 114, to hold a Ferry from the point at which the Branch authorised by that Act terminates at the River St. Lawrence, to the City of Montreal.

Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Lower Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, "*An Act for making more effectual provision for the Government of the Province of Quebec in North America,*" and to make further provision for the Government of the said Province;" And it is hereby enacted by the authority of the same, that in addition to all and every the rights, privileges and powers granted and conferred upon the said Company of Proprietors of the Champlain and Saint Lawrence Rail-Road, by the said Act passed in the Second Year of the Reign of His Majesty William the Fourth, chapter fifty-eight, the said Company of Proprietors shall be and hereby are authorized, empowered and entitled as one body politic and corporate to transport, carry and convey for hire, all goods, chattels, wares, commodities and passengers of whatever kind or description, across the River Saint Lawrence from the wharf or wharves by them erected or acquired, or to be hereafter erected or acquired, according to the provisions of the said Act passed in the Second Year of the Reign of His Majesty William the Fourth, and for that purpose to hold a Ferry, and to possess, employ and use such steamboat or steamboats, barge or barges, boat or boats, and other vessels, which the said Company of Proprietors of the Champlain and Saint Lawrence Rail-Road may deem convenient and useful for the said Ferry, and for the transportation; carriage and conveyance of goods, chattels, wares, commodities and passengers across the said River Saint Lawrence, subject nevertheless to the provisions and limitations hereinafter expressed.

Rail-road Company may demand certain fees for the conveyance of goods, &c. as ferriage, passage money or freight.

II. And be it further enacted by the authority aforesaid, That it shall be lawful for the said Company of Proprietors of the Champlain and Saint Lawrence Rail-Road, and they are hereby empowered from time to time, and at all times to ask, demand and take, sue for, recover and receive to the proper use, benefit and behoof of the said Company of Proprietors, for the transportation, carriage and conveyance of all goods, chattels, wares, commodities and passengers across the said River Saint Lawrence, as ferriage, passage money or freight, the several sums of money following, that is to say :

Tariff of Freight, including Wharfage :

The fees.

Ashes, per barrel—Ten Pence,
 Apples, per barrel—Four Pence,
 Butter, per keg—Two Pence,
 Brooms, per dozen—Two Pence,
 Buffalo Robes, per bale—Seven Pence,
 Cart, Horse, and Man—Two Shillings and Six Pence,
 Double

Double Waggon, loaded—Five Shillings,
 Light—Three Shillings and Nine Pence,
 Caleche, Horse, and Man—Two Shillings and Six Pence,
 Single Waggon and Man—Two Shillings and Six Pence,
 Earthenware, per crate—Three Shillings,

And other crates in proportion ;
 Candles and Soap, per box—Two Pence,
 Cheese, per box or cask—Seven Pence Half-penny.

CATTLE.

Oxen, each—One Shilling and Three Pence,
 Calves, each—Three Pence,
 Sheep, each—Two Pence,
 Horses, each—One Shilling and Three Pence,
 Hogs, each—Four Pence Half-penny.

GRAIN.

Wheat, per minot—A Half-penny,
 Oats, per minot—A Half-penny,
 Other kinds—A Half-penny,
 Coals, per chaldron—Seven Shillings and Six Pence,
 Glass, per box—Four Pence,
 Hops, per bag—One Shilling,
 Hides, green, each—Two Pence,
 Hides, dry, per hundred—Six Shillings and Three Pence.
 Iron, per ton—Five Shillings,
 Sheet Iron, per box—Four Pence,
 Leather, per roll—Four Pence,
 Molasses, per puncheon—Two Shillings and Nine Pence,
 Nails, per keg—Six Pence,
 Oil, per hogshead—One Shilling and Six pence,
 Oil, per barrel—Nine Pence,
 Rags, per bag—One Shilling,
 Stoves, double—Two Shillings and Six Pence,
 Stoves, single—One Shilling and Three Pence,
 Beef, Pork, and Fish, per barrel—Six Pence,
 Flour, per barrel—Five Pence,
 Boards, one inch, per thousand feet—Three Shillings,
 Plank, three inch, per hundred pieces—Six Shillings,
 Scantling, per hundred feet—Four Shillings,
 Shingles, per pack—Five Pence,
 Paint, per keg—One Penny,
 Pipes, per box—Four Pence,
 Powder, per keg, of twenty-five pounds—One Shilling and
 Three Pence,
 Rice, per tierce—One Shilling,
 Rosin, per barrel—Four Pence,
 Rum, per puncheon—Two Shillings and Six Pence,
 Raisins, per box—A Half-penny,
 Salt, per hundred minots—Twelve Shillings and Six Pence,
 Salt, per bag—Three Pence,
 Sugar, per hogshead—Four Shillings,
 Tallow, per tierce—Ten Pence,
 Tallow, per barrel—Five Pence,

Tobacco,

Tobacco, per hogshead—Three Shillings and Nine Pence,
 Tobacco, per keg—Three Pence,
 Wines, per pipe—Two Shillings and Six Pence,
 Wines, per hogshead—One Shilling and Three Pence,
 Other Merchandize, not enumerated, per ton—Four Shillings,
 Passengers, with baggage, not exceeding thirty pounds weight—
 One Shilling,
 Passengers, without baggage—Seven Pence Half-penny, and
 Children, half price.

Company of Proprietors may make use of the Wharves in the Port and Harbour of Montreal. Subject only to certain conditions.

III. And be it further enacted by the authority aforesaid, That it shall be lawful for the said Company of Proprietors of the Champlain and Saint Lawrence Rail-Road, to cause the Steam-Boats, Boats, Barges, or other Vessels to be by them employed in and about the said Ferry, to land at and make use of the Public Wharves in the Port and Harbour of Montreal, in common with all other persons, subject only to the conditions and restrictions provided for the regulation of the said Port or Harbour.

This Act not to vary Will. IV. Cap. 58, except in so far as specially provided herein. Company invested with all rights and subject to all rules contained in that Act.

IV. And be it further enacted by the authority aforesaid, That the present Act shall not in any manner affect, change, or vary the hereinbefore mentioned Act, passed in the Second Year of the Reign of His Majesty William the Fourth, save and except in so far as is herein specially mentioned and provided ; and the said Company of Proprietors of the Champlain and Saint Lawrence Rail-Road, as one body politic and corporate, shall be and remain invested with and entitled to all and every the powers, rights and privileges, and subject in all respects to the rules, regulations and provisions in and by the said Act passed in the Second Year of the Reign of His Majesty William the Fourth, granted, established and contained.

Nothing in this Act to give Company exclusive right of Ferry, nor affect His Majesty's rights, &c.

V. And be it further enacted by the authority aforesaid, That nothing herein contained shall be construed to confer upon the said Company of Proprietors of the Champlain and Saint Lawrence Rail-Road, any exclusive right of Ferry or in any manner or way whatsoever, to affect the rights of His Majesty, His Heirs and Successors, or of any person or persons, or of any body or bodies politic, corporate or collegiate, such only excepted as are herein mentioned.

Clerical error in former Act corrected.

VI. And whereas a clerical error has crept into the thirty-fifth Section of the Act hereby amended and continued, which might create doubts and embarrass the said Company in their operations : Be it therefore declared and further enacted by the authority aforesaid, That the Meetings mentioned in the said Section are not "Biennial" Meetings as therein expressed, but "half yearly" Meetings, to be regulated by the provisions of the said Act.

See 2 Wm. 4. c. 38, sect. 38, page 22.

VII. And be it further enacted by the authority aforesaid, Public Act.
That this Act shall be deemed and taken to be a Public Act,
and as such shall be judicially taken notice of by all Judges, Jus-
tices of the Peace and others, without being specially pleaded.

VIII. And be it further enacted by the authority aforesaid, Company to
enjoy their
privileges
during a cer-
tain time.
That the said Company shall enjoy the privileges, granted by
this Act, so long as they shall continue to enjoy the privileges
granted them by the two Acts hereinabove cited, and no longer.

ANNO QUARTO VICT.

CAP. XVIII.

An Ordinance to amend an Act of the Provincial Parlia-
ment of this Province, intituled, "An Act for making
"a Rail-road from Lake Champlain to the River
"Saint Lawrence."

WHEREAS it is expedient to amend certain parts of an Preamble.
Act of the Provincial Parliament of this Province of
Lower Canada, passed in the second year of the reign of His
late Majesty, William the Fourth, intituled, "An Act for
"making a Rail-Road from Lake Champlain to the River St.
"Lawrence :": Be it therefore Ordained and Enacted by His
Excellency the Governor of the said Province of Lower Canada,
by and with the advice and consent of the Special Council for
the affairs of this Province, constituted and assembled by virtue
and under the authority of an Act of the Parliament of the
United Kingdom of Great Britain and Ireland, passed in
the first year of the Reign of Her present Majesty, intituled,
"*An Act to make temporary provision for the Government of
Lower Canada,*" and also by virtue and under the authority of
a certain other Act of the same Parliament, passed in the
Session held in the second and third years of the Reign of Her
present Majesty, intituled, "*An Act to amend an Act of the
last Session of Parliament, for making temporary provision for
the Government of Lower Canada,*" and also by virtue and
under the authority of a certain other Act of the same Parlia-
ment, passed in the Session held in the third and fourth years
of the Reign of Her present Majesty, intituled, "*An Act to
Re-unite the Provinces of Upper and Lower Canada, and for
the Government of Canada,*" and it is hereby Ordained and
Enacted by the authority of the said Acts of Parliament, That
so much of the said Act of the Provincial Parliament of this
Province of Lower Canada, contained in the sixth section
thereof, as provides and requires that the Company of Propri-
tors of the Champlain and Saint Lawrence Rail-Road, shall
in all cases when the said Rail-road shall cross any public
highway on a level, erect and at all times maintain a good and
sufficient gate on each side of the said public highway, where
the said rail-way shall communicate with the said public
highway,

The 6th Sect.
Act 2, W. 4,
c. 58, re-
pealed.

All in Italics repealed by 13 & 14 Vic. c. 114, sect. 11, and other provisions substituted in lieu thereof.

See that Section, page 40.

highway, and all other the provisions, matters and things in the said section of the said Act enacted and contained, shall be, and are hereby repealed; and after the passing of this Ordinance, the said Company shall not be required or bound to make or maintain any such gate, and may in their discretion remove and take away any such gate which has been so erected and placed under and by virtue of the requirements of the said last mentioned Act: Provided always, that in all cases in which no such gate has been erected or placed or in which such gate has been erected and placed, and shall be removed, the said Company shall, at each and every place where the said Rail-way crosses any public highway on a level, station and constantly keep at least one person as a guard whose duty it shall be to prevent any obstruction being or remaining upon the said Rail-Road, or upon such public highway, and to watch over the safety of the persons and property passing and conveyed either upon the said highway, or upon the said Rail-Road; and shall, in the like manner, and for the performance of a like duty, keep at least eight persons (including those to be stationed at the points aforesaid,) to be stationed at distances not exceeding two miles from each other, on the said Rail-Road: and for each and every neglect or refusal to comply with the provisions of this section, the said Company shall incur the penalty mentioned in the said sixth section of the Act hereby amended, to be recovered and applied in the manner herein provided.

Part of 35th Sect. of 2 Wm. 4, c. 58, repealed, and other provisions substituted therefor.

II. And be it further Ordained and Enacted, That so much of the said last mentioned Act contained in the thirty-fifth section thereof as requires that the account therein specified shall be annually made up and balanced on the thirtieth day of November in each year, shall be and the same is hereby repealed: and it shall be lawful for the said Company from and after the passing of this Ordinance, to fix and appoint by a Bye-law, the time or times in each and every year, at which such account shall be made up and balanced, and at which the rates and dues authorized to be demanded and received by the said Company, shall be regulated and declared for the ensuing year.

Any thing directed to be done at "biennial" meetings, as in the said 35th section mentioned, may be done at the half yearly meetings of the Company.

III. And whereas it appears from the general terms and context of the said thirty-fifth section of the Act hereby amended, that the word "biennial" as twice used and inserted in the said section immediately before the word "meetings" is erroneously so used and inserted instead of the word "half yearly"; Be it therefore further Ordained and Enacted, That any thing directed or permitted to be done at the meetings of the said Company mentioned and referred to in the said section, shall and may be done at the half-yearly meetings of the said Company mentioned in the twenty-fifth section of the said Act; and all things which may heretofore have been done at any such half-yearly meeting, but in all other respects in the manner and according to the other requirements and provisions of

of the said thirty-fifth section, shall be held to have been validly and legally done ; any thing in the said thirty-fifth section to the contrary notwithstanding.

IV. And whereas in and by the said Act, in the thirty-ninth section thereof, it is enacted and provided " That the said Company of Proprietors shall, within six calendar months after any lands shall be taken for the use of the said Rail-road or undertaking, divide and separate, and keep constantly divided and separated, the land so taken from the lands or grounds adjoining thereto, with a sufficient post and rail, hedge, ditch, bank, or other fence sufficient to keep off hogs, sheep and cattle, to be set and made on the lands or grounds which shall be purchased by, conveyed to, or vested in the said Company of proprietors as aforesaid, and shall at their own costs and charges, from time to time maintain, support, and keep in sufficient repair, the said posts, rails, hedges, ditches, trenches, banks and other fences so set up and made, as aforesaid," it is hereby Ordained, Enacted and declared, That it shall not be necessary for the said Company in any manner to divide or separate, or to keep divided or separated, the lands so taken for the use of the said Rail-Road, from the Lands of the Common of Laprairie, until they shall be thereunto specially required by the Governor, Lieutenant Governor or person administering the Government of this Province, any thing in the said section to the contrary notwithstanding.

The lands used for the rail-road need not be divided from the lands of the common of Laprairie unless required by the Governor.

See page 23.

V. And be it further Ordained and Enacted, That this Ordinance shall be deemed and held to be a Public Act, and as such shall be judicially taken notice of by all Judges, Justices of the Peace and others, without being specially pleaded.

This ordinance to be public.

VI. And be it further Ordained and Enacted, That this Ordinance, and the provisions herein contained, shall not cease or expire on the first day of November, which shall be in the year of our Lord one thousand eight hundred and forty-two, but shall be and remain a permanent law, and in full force and effect until the same shall be repealed or altered by competent Legislative authority.

And permanent.

ANNO 13 & 14 VICT.

CAP. CXIV.

An Act to authorize the Company of Proprietors of the Champlain and Saint Lawrence Rail-road to extend the said Road, and for other purposes.

WHEREAS the Company of Proprietors of the Champlain and Saint Lawrence Rail-road, incorporated under and by virtue of an Act of the Legislature of the late Province of
 Preamble.
 Lower

2 Wm. 4,
c 58, and

10 and 11 V.
c 121, cited.

The last men-
tioned Act and
12 Vict. c. 179
repealed.

Champlain
and St. Law-
rence rail-
road Company
empowered
to extend
their road.

Lower Canada, passed in the second year of the Reign of His late Majesty King William the Fourth, and intituled, *An Act for making a Rail-road from Lake Champlain to the River Saint Lawrence*, have, by their Petition to the Legislature, represented that they are desirous of constructing a Branch of their Rail-road from some point on their present Line between Saint John's and Laprairie to some point on the River Saint Lawrence, opposite or nearly opposite the City of Montreal, and of continuing their present Rail-road from some point at or near its terminus at the village of Dorchester commonly called St. John's, to the Province Line at or near Rouse's Point, there to connect with the American Rail-roads now in progress of construction, and thereby to afford an uninterrupted line of communication from Montreal to Boston, New York or to the West, and have prayed to be authorized by Legislative enactment to effect the said improvements; And whereas the Montreal and Province Line Junction Rail-way Company have, by their Petition to the Legislature, set forth, that they consider that the interests of the public would be better served if the right granted them by the Act passed in the Session held in the tenth and eleventh years of Her Majesty's Reign, and intituled, *An Act to incorporate the Montreal and Province Line Junction Rail-way Company*, of constructing a Rail-way from the terminus of the Champlain and Saint Lawrence Rail-road, at the said village of Dorchester commonly called Saint John's, to or near the Province Line at Rouse's Point were transferred to the said Company of Proprietors of the Champlain and Saint Lawrence Rail-road, and have prayed that their said right be so transferred, and it is expedient to grant the prayer of the said Petitions: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-write the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the Act last cited in the Preamble to this Act, and the Act passed in the twelfth year of the same Reign, and intituled, *An Act to amend and extend the Act to incorporate the Montreal and Province Line Junction Rail-way Company*, shall be and the same are hereby repealed; and the said Company of Proprietors of the Champlain and Saint Lawrence Rail-road are hereby authorized and empowered to construct a Branch of their said Rail-road from some point on its present Line to some point on the River Saint Lawrence, opposite or nearly opposite to the City of Montreal, and a continuation of their said Rail-road from some point at or near the terminus at Saint John's aforesaid, in as direct a line as may be readily practicable, to the Province Line at or near Rouse's Point, with one or more sets of rails and on the locomotive or atmospheric principle, as the said Company may deem

deem best, and to erect wharves, warehouses, stores and other buildings at either termination, and at such other places on the line of the said Branch or continuation as they may deem expedient.

II. And to the end that the said Company of Proprietors of the Champlain and Saint Lawrence Rail-road may be enabled to construct the said Branch and continuation, Be it enacted, That it shall and may be lawful for the said Company from time to time to raise and contribute among themselves, or by the admission of new Subscribers, or both, in such proportions as to them shall seem meet and convenient, a competent sum of money for the making and completing the said Branch and continuation and all such other works, matters and conveniences as may be found necessary for making, effecting, preserving, improving, completing, maintaining and using the said Branch, continuation and other works : Provided always, that the said Company shall cause Books of Subscription to be opened at their Office in the City of Montreal, for receiving the Signatures of Stockholders or others, or both (as the case may be) willing to become Subscribers to the said additional Stock, and for this purpose they shall give public notice in some newspaper published in the City of Montreal, in the English language, and in some newspaper there published in the French language, of the time and place at which such Books will be opened and ready for receiving Signatures as aforesaid, and of the persons by them authorized to receive such subscriptions, and of the amount to be then raised, and so from time to time when more is to be raised ; and every person who, or whose Attorney, shall write his signature in such Book as a Subscriber to the said undertaking, shall thereby become a Member of the said Company, and shall have like rights and privileges, and be subject to like obligations, as the present Members of the said Company of Proprietors of the Champlain and Saint Lawrence Rail-road, in proportion to the amount of paid up Stock held by him, her or them, and shall be bound to pay the amount of all instalments thereon, as the same shall be called for by the Directors, and if any such instalment be not paid at the time it shall so be called for, it may be recovered by the Company, with interest from such time, and costs, in any Court having competent jurisdiction ; and in any such action, it shall be sufficient to allege, that the Defendant is the Proprietor of a Share or Shares (stating the number) of the Stock of the said Company ; that certain sums of money were called for upon such Share, in conformity to the Act incorporating the Company, and remain unpaid, and that therefore an action hath accrued to the Company to recover the same ; and the production of the newspapers containing notice of the Calls, shall be evidence that the same were made as therein stated ; and neither in such action, nor in any other action, suit or proceeding by the Company, shall the election of the Directors, or the authority of them, or any Attorney acting in the name of the

A competent sum of money to be subscribed for the undertaking.

Proviso.
Books of subscription.

Proviso: sum
to be raised
limited.

Number of
shares.

To what pur-
poses the
money may
be applied.

Company, be called in question, except by the Company, nor shall it be necessary to name the Directors, or any of them : Provided always, that the sums to be so raised, shall not in the whole exceed the Sum of One Hundred and Eighty-five Thousand Pounds currency, and shall be divided into Shares of Fifty Pounds each, and be subject to the same provisions, rules and regulations as to the amounts of dividends to be made thereon, and in all other respects as the original Capital Stock, which the said Company are authorized to hold by their Act of Incorporation above cited, in so far as such provisions, rules and regulations may not be inconsistent with this Act ; and the said Sum of One Hundred and Eighty-five Thousand Pounds, or so much thereof as it may be found necessary to raise, shall be laid out and applied, in the first place for and towards the payment, discharge and satisfaction of all fees and disbursements for obtaining and passing this Act, and for making the Surveys, Plans and Estimates incident thereto, and all other expenses relating thereto, and all the rest, residue and remainder of such money, for and towards making, completing and maintaining the said Branch and continuation, and other the purposes of this Act and of the Act last aforesaid, and to no other use, intent or purpose whatsoever.

£75,000 new
stock may be
raised if
£185,000 be
insufficient.

III. And be it enacted, That in case the said sum of one hundred and eighty-five thousand pounds, or such less sum as the said Company shall find it practicable and expedient to raise as new Stock, shall be found insufficient for the purpose of constructing the said Branch and continuation and other the purposes aforesaid, it shall be lawful for the said Company to borrow from time to time, either in this Province or elsewhere, such further sum or sums of money not exceeding at any time the sum of seventy-five thousand pounds, as they may find expedient for completing their said undertaking, and at such rate of interest not exceeding eight per cent. per annum as they may think proper ; and to make the bonds, debentures, or other securities they shall grant for the sums so borrowed, payable either in currency or in sterling, and at such places within or without this Province as they may deem advisable, and to hypothecate and pledge the lands, tolls, revenues and other property of the said Company or any part thereof for the due payment of the sums borrowed and the interest thereon, provided that no such bond or debenture shall be for a less sum than one hundred pounds currency.

Sums expend-
ed by com-
pany, to be
deemed as
capital.

IV. Provided always, and be it enacted, That the sums actually expended by the said Company on their Rail-road and the other works and property they are authorized by law to hold for the purposes thereof, shall, as respects the limitation of the profits of the Company made in their Act of Incorporation, be deemed to be the capital upon which the said profits may be reckoned and upon which they shall be limited, whether such sum be raised by subscription for stock or by loan, or both, provided

provided such sum do not exceed the total amount of the Capital Stock which the said Company are by law authorized to hold, added (if the said Capital be all subscribed for and paid up, but not otherwise) to the amount they are empowered to borrow.

V. And be it enacted, That for the purpose of constructing the said Branch and continuation, the said Company are hereby authorized and empowered to enter into and upon any lands and grounds of the Queen's Most Excellent Majesty, or of any person or persons, bodies politic or corporate, or collegiate, or communities or parties whatsoever, 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 the said intended Branch and continuation and other works hereby authorized, and all such works, matters and conveniences, as they shall think proper and necessary for making, effecting, preserving, improving, completing, maintaining and using the said intended Branch and continuation and other works, and also to bore, cut, dig, trench, get, remove, take, carry away, and lay earth, clay, stone, soil, rubbish, trees, roots of trees, beds of gravel or sand, or any other matters or things which may be dug or got in making the said intended Branch and continuation or other works, on or out of the lands or grounds of any person or persons adjoining or lying convenient thereto, and which may be proper, requisite or necessary for making or repairing the said intended Branch or continuation, or the works incidental or relative thereto, or which may hinder, prevent or obstruct the making, using and completing, extending or maintaining the same respectively, according to the intent and purpose of this Act ; and to make, build, erect and set up, in or upon the said intended Branch or continuation, or upon their lands adjoining or near the same respectively, such and so many houses, watch-houses, warehouses, toll-houses, telegraphs or other signals, weighing beams, cranes, fire engines, steam engines or other engines, either stationary or locomotive, inclined planes, machines, and other works, ways, roads and conveniences, as and when the said Company shall think requisite and convenient for the purposes of the said Branch, continuation and works ; and also from time to time to alter, repair, divert, widen, enlarge and extend the same, and also to make, maintain, repair and alter any fences or passages over, under or through the said intended Branch and continuation, and to construct, erect and keep in repair any bridges, arches or other works upon and across any rivers or brooks for the making, using, maintaining and repairing the said intended Branch and continuation, and to turn away any such brook, river or water-course, and to change its course, and to construct, erect, make and do all other matters and things which they shall think convenient and necessary for the making, effecting, extending, preserving, improving, completing and easy using of the said intended Branch, and continuation and other works, in pursuance of and according to the true intent and meaning of

Company
may enter
upon the
lands of Her
Majesty and
others, &c.

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 hereinafter mentioned, to the owners or proprietors of, or the persons interested in the lands, tenements or hereditaments, water, water-courses, brooks or rivers respectively, which shall be taken, used, removed, prejudiced, or of which the course shall be altered, or for all damages to be by them sustained in or by the execution of all or any of the powers given by this Act; and this Act shall be sufficient to indemnify the said Company and their servants, agents or workmen, and all other persons whomsoever for what they, or any of them shall do by virtue of the powers hereby granted, subject nevertheless to such provisions and restrictions as are hereafter mentioned.

Branch, &c.,
not to be
carried along
a highway.

VI. Provided always, and be it enacted, That the said Company shall not carry either the said branch or continuation along any highway, but shall merely cross the same in the line of the Rail-road, whatever be the angle at which such line shall intersect such highway; and before they shall in any way obstruct such highway with their works, they shall turn the said highway 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 highway, under a penalty of five pounds currency, for any contravention, over and above all damages sustained by any party; but in any case the rail itself, provided it does not rise above or sink below the surface of the road more than one inch, shall not be deemed an obstruction.

Survey and
levels to be
taken, &c.

VII. And be it enacted, That for the purposes of this Act, the said Company shall and may, by some sworn Land Surveyor for Lower Canada, and by an Engineer by them to be appointed, cause to be taken and made, surveys and levels of the lands through which the said intended branch and continuation are to be carried respectively, together with the maps or plans of such branch and continuation, and of the course and direction thereof, and of the said lands through which the same is to pass, and the lands intended to be taken for the several purposes authorized by this Act, so far as then ascertained; and also a book of reference for the said branch and continuation in which shall be set forth a description of the said several lands, and the names of the owners, occupiers and proprietors thereof, so far as they can be ascertained by the said Company, and in which shall be contained every thing necessary for the right understanding of such map or plan; which said map or plan and book of reference shall be examined and certified by the person performing the duties formerly assigned to the Surveyor General or his Deputies, who shall deposit a copy thereof in the Office of the Secretary of the Province, and another in the Office of the Prothonotary of the Superior Court in the District of Montreal, and shall also deliver

Book of refer-
ence.

deliver one copy thereof to the said Company; 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, paying to the said Secretary of the Province, or to the said Prothonotary, at the rate of six pence current money of this Province, for every hundred words; and the said triplicates of the said map or plan, and book of reference, so certified, or a true copy or copies thereof, certified by the Secretary of the Province, or by the Prothonotary of the said Superior Court, shall severally be, and are hereby declared to be, good evidence in the Courts of Law and elsewhere; Provided always, that it shall not be necessary that the map or plan and book of reference for the said Branch be made or filed at the same time with those for the said continuation, so as they be respectively made and filed within the time hereinafter limited; nor shall it be necessary that the same or the surveys on which they are founded respectively, be made after the passing of this Act, but the said Company, if they think proper, may adopt any survey, map, plan or book, or any part thereof, made before the passing of this Act, so as the same be adopted and filed after the passing hereof, and the same shall nevertheless bind the Company, and all parties concerned, as is made after the passing hereof.

Proviso: map or plan of the branch and of the continuation may be separately filed, &c.

VIII. Provided always, and be it enacted, That where the said branch or continuation shall cross or be carried along any public highway, (which word shall in this Act include all public streets, lanes or other public ways or communications,) neither the rails nor any other part of the Branch or continuation, or works connected therewith, shall rise above the level of such street or highway, or sink below the level of such street or highway more than one inch; and the said Branch or continuation may be carried across any highway within the limits aforesaid.

As to branch &c. crossing highways.

IX. Provided always, and be it enacted, That where any bridge shall be erected or made by the said Company for the purpose of carrying the said Branch or continuation over and 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 in breadth, and of a height from the surface of such highway to the centre of such arch, of not less than sixteen feet, and the descent under any such bridge shall not exceed one foot in twenty feet.

Height and width of bridges for carrying branch, &c. over highways.

X. 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 said Branch or continuation, the ascent of every such bridge for the purpose of every such highway shall not rise more than one foot in twenty feet; and a good and sufficient fence shall be made on each side

Height of bridge to carry highways over Branch, &c.

side of such bridge, which fence shall not be less than four feet above the surface of such bridge.

A sign-board to be erected at each crossing place.

This repeals the 1st sect. of 4 Vict. c. 18, which required that guards should be stationed at places where the Railway crosses a highway on a level.

XI. Provided always, That the first section of the Ordinance of the Special Council of Lower Canada passed in the fourth year of Her Majesty's reign, and intituled: *An Ordinance to amend an Act of the Provincial Parliament of this Province, intituled: 'An Act for making a Rail-road from Lake Champlain to the River St. Lawrence,'* shall be and is hereby repealed, and that the said Company shall, at each and every place where the said Branch or continuation, or the now existing Rail-road, 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 "RAIL-WAY CROSSING," painted on each side of such sign-board, in both languages, and in letters not less than six inches in length; and for each and every neglect to conform with the requirements of this section, the said Company shall incur a penalty not exceeding five pounds currency.

Company not to deviate more than a mile from line of branch, &c.

XII. And be it enacted, That the said Company, in making the said intended Branch or continuation, shall not deviate more than a mile from the line of the Branch or continuation, or from the places assigned to the several works of the Company, in the map or plan and book of reference to be deposited as aforesaid, with reference to the said Branch, continuation and works respectively, nor cut, carry, place, lay down or convey the said Branch or continuation, into, through, across, under or over any of the lands or grounds, not shewn 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 them 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.

Effect of error in book of reference.

XIII. And be it enacted, That the said Company may make, carry or place their said intended Branch or continuation 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 not to exceed a certain breadth, &c.

XIV. And be it enacted, That the lands or grounds to be taken or used for such intended Branch or continuation, 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 intended Branch or continuation shall

shall be raised more than five feet higher, or cut more than five feet deeper than the present surface of the land, and in such places where it shall be judged necessary to have off-sets for the locomotives, or other engines and carriages using the said intended Branch or continuation to lie or pass each other, (and not above one hundred yards in breadth in any such place,) or where any houses, 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 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 the said Company; and the places at which such extra breadth is to be taken, shall be shewn on the said map or plan, so far as the same may be then ascertained; but their not being so shewn shall not prevent the Company from taking such extra breadth, provided it be taken upon the line shewn or within the distance aforesaid from such line: *Provido* always, that no land shall be taken by the said Company from any public highway, but their right shall be limited to the laying down across the same, (that is in the line of the said Branch or continuation, at whatever angle it may intersect such highway,) the rails and other contrivances forming part of the Rail-road, subject to the limitations mentioned in the eighth Section, or any other part of this Act.

XV. And be it enacted, That it shall be lawful for the said Company to take, use, occupy and hold, but not to alienate, so much of the public Beach or Beach Road, or of the land covered with the waters of the River Saint Lawrence and of the River Richelieu, or Lake Champlain, as may be required for the Wharves and other works of the said Branch or continuation, and other works which they are hereby authorized to construct, doing no damage to, nor causing any obstruction in the navigation of the said Rivers: *Provido* always, that such lands shall not be taken, or any such Wharf or work erected thereon, except by permission of the Governor of the Province, and in accordance with any conditions he shall think proper to impose, nor shall any land vested in the Principal Officers of Her Majesty's Ordnance be taken without their consent.

XVI. And be it enacted, That the said Company shall be and are hereby authorized to hold a ferry from the point where the said branch may terminate at the River St. Lawrence, and from the land there taken by them with the consent of the Governor, and to possess, employ and use such steamboat or steamboats, barge or barges, boat or boats and other vessels which the said Company may deem convenient and useful for the said Ferry, and for the transportation, carriage and conveyance of goods, chattels, wares, commodities and passengers across the said River St. Lawrence to and from the City of Montreal, subject nevertheless to the provisions and limitations hereinafter expressed.

What tolls the
Company
may take at
such Ferry.

XVII. And be it enacted, That it shall be lawful for the said Company and they are hereby empowered to ask, demand, take, sue for and recover for the transportation and conveyance of all goods, chattels, wares, commodities and passengers across the said River St. Lawrence, as ferriage, freight or passage money, rates not exceeding those hereinafter mentioned, over and above the Montreal Harbour dues on the same, that is to say :

Ashes per barrel, Five Pence ;
Apples per barrel, Three Pence ;
Butter per keg, One Penny ;
Brooms per dozen, One Penny ;
Cart, Horse and Man, One Shilling and Six Pence ;
Double Waggon loaded, Three Shillings ;
Double Waggon light, Two Shillings ;
Calèche, Horse and Man, One Shilling and Six Pence ;
Single Waggon and Man, One Shilling and Six Pence ;
Earthenware per crate, One Shilling and Six Pence ;
Other crates, in proportion ;
Candles and Soap per box, One Penny.

CATTLE

Oxen and Cows, each, Nine Pence ;
Calves, each, Two Pence ;
Sheep and Lambs, each, One Penny ;
Horses, each, Nine Pence ;
Hogs, each, Three Pence.

GRAIN.

Of all kinds, per bushel, One Farthing ;

Coals per chaldron, Three Shillings and Nine Pence ;
Glass per Box, Two Pence ;
Hops per Bale, Six Pence ;
Hides, Green, each, One Penny ;
Hides, dry, per hundred, One Shilling and Eight Pence ;
Iron, ton, Two Shillings and Six Pence ;
Iron, Sheet, box, Two Pence ;
Leather, roll, Two Pence ;
Molasses, puncheon, One Shilling and Six Pence ;
Nails, keg, Three Pence ;
Oil, hogshead, Nine Pence ;
Oil, barrel, Five Pence ;
Rags, bag, Six Pence ;
Stoves, double, each, One Shilling and Three Pence ;
Stoves, single, Seven Pence Half Penny ;
Beef, Pork and Fish, barrel, Four Pence ;
Flour, barrel, Three Pence ;
Boards, one inch, one thousand feet, Two Shillings ;
Planks, three inch, one hundred pieces, Five Shillings ;
Scantling,

Scantling, one hundred feet, Two Shillings ;
 Shingles, pack, Three Pence ;
 Pipes, box, Two Pence ;
 Powder, keg, twenty-five pounds, Nine Pence ;
 Rice, tierce, Nine Pence ;
 Rosin, barrel, Three Pence ;
 Rum and other liquors, puncheon, One Shilling and Three Pence ;
 Rum and other liquors, hogshead, Nine Pence ;
 Rum and other liquors, barrel, Five Pence ;
 Salt, one hundred bushels, Six Shillings and Three Pence ;
 Salt, bag, One Penny Half Penny ;
 Sugar, hogshead, Two Shillings ;
 Tallow, barrel, Four Pence ;
 Tobacco, hogshead, One Shilling and Six Pence ;
 Tobacco, keg, Two Pence ;
 Wines, hogshead, Nine Pence ;
 Other goods and wares not enumerated, per ton weight or measurement, Two Shillings and Six Pence ;
 Passengers with baggage not exceeding thirty pounds, each, Seven Pence Half Penny ;
 Passengers without baggage, Five Pence ;
 Children, half price ;
 Parcels or packages under one hundred and twenty pounds, Six Pence .

XVIII. And be it enacted, That after any lands or grounds shall be set out and ascertained, in manner aforesaid, for making and completing the said Branch, continuation and other works, and for other the purposes and conveniences hereinbefore mentioned, it shall and may be lawful for all bodies politic, corporate or collegiate, corporations aggregate or sole, communities, *grevés de substitution*, guardians, curators, executors, administrators, and all other trustees or persons whomsoever, not only for and on behalf of themselves, their heirs and successors, but also for and on behalf of those whom they represent, whether infants, issue unborn, lunatics, idiots, *femes-covert*, or other persons 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 the said Company, 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 whatsoever ; 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 whomsoever, so conveying as aforesaid, are hereby indemnified for what any of them shall 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

After lands have been set out, bodies corporate, &c. may sell their property therein to the Company.

Proviso: certain agree-

ments made
valid.

and before the lands required for the said Branch, continuation and works, shall be set out and ascertained, it shall be lawful for any party who might, under this Act, convey any lands to the said Company, if the same were so set out and ascertained, to agree with the Company 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 Company 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 mean time 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 as if the agreement were such award.

Where no
power is vest-
ed in any
party to sell,
a fixed annual
rent to be
established
instead of a
principal sum.

XIX. Provided always, and be it enacted, That any body politic, community, corporation or other 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 the said Branch or continuation, and other the purposes and conveniences 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 fixed by the said Company for the purchase of any lands, or for any part of the purchase money of any land which the vendor shall agree to leave in the hands of the said Company, the said Branch or continuation, and the Tolls to be levied and collected thereon shall be and are hereby made liable and chargeable, in preference to all other claims or demands thereon whatsoever; the deed creating such charge and liability being duly registered.

Agreement
with proprie-
tors in com-
mon to a
certain extent,
shall bind
the rest.

XX. Provided always, and be it enacted, That whenever there shall be more than one party proprietor of any land or property *par indivis*, any agreement made in good faith between the said Company and any party or parties proprietor, 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 *par indivis* and the Company, and the proprietor or proprietors who have so agreed, may deliver possession of such land or property to the Company, or empower them to enter upon the same, as the case may be.

Company to
apply to

XXI. And be it enacted, That so soon as the said Map or Plan and Book of Reference shall have been deposited as afore-said,

said, and notice of its being so deposited shall have been given in at least one newspaper published in the City of Montreal, in the English language, and in at least one newspaper there published in the French language, it shall be lawful for the said Company to apply to the several owners of or parties hereby empowered to convey the lands through which the said Branch or continuation is intended to be carried, or which may suffer damage from the taking of materials, or the exercise of any of the powers granted to the said Company by this Act, and to agree with such owners or parties respectively, touching the compensation to be paid to them by the said Company 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 shall be ascertained, as to such parties and the said Company shall seem expedient; and in case of disagreement between the said Company and the said owners or parties, or any of them, then all questions which shall arise between them and the said Company shall be settled as follows, that is to say :

owners of lands touching compensation to be paid for the same.

How matters to be settled if they cannot agree with any party.

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 said Branch or continuation and works.

Arbitration clauses.

The Company shall serve 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 Company are ready to pay some certain sum (or rent, as the case may be) as compensation for such lands or for the damages arising from the exercise of such power,—and the name of a person whom they appoint as their Arbitrator if their offer be not accepted; and such notice shall be accompanied by the certificate of some sworn Surveyor for Lower Canada, 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 shewn on the map or plan deposited as aforesaid, as being required for the said Branch or continuation and works, or as being within the limits of deviation hereby allowed, 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 or for such damages as aforesaid.

Arbitration.

If the opposite party be absent from the District of Montreal, or be unknown to the said Company, then, upon application to any Judge of the Superior Court residing in the said District, accompanied by such certificate as aforesaid, and by an affidavit

Arbitration.

of

of some officer of the Company, that such opposite party is so absent, or that, after diligent inquiry, the party on whom the notice ought to be served, cannot be ascertained, such Justice 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 City of Montreal in the English language, and in some newspaper there published in the French language.

Arbitration. If within three days after the service of such notice, or within one month after the first publication thereof as aforesaid, the opposite party shall not notify to the Company that he accepts the sum offered by the said Company, or notify to them the name of a person whom he appoints as Arbitrator, then any Judge of the said Court, resident in the District of Montreal; may, on the application of the said Company, appoint some sworn Surveyor for Lower Canada, resident in the said District, to be sole Arbitrator for determining the compensation to be paid by the Company.

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

Arbitration. The said Arbitrators or any two of them, or the sole Arbitrator being sworn before some Commissioner for receiving affidavits to be used in the Superior Court, faithfully and impartially to perform the duties of their office, shall proceed to ascertain the compensation to be paid by the Company in such way as they or he, or a majority of them shall deem best, and the award of such Arbitrators, or 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 at least one clear day's notice, or to which some meeting at which such other Arbitrator was present, shall have been adjourned; but no notice to the Company or opposite party shall be necessary, and they shall be held sufficiently notified through the Arbitrator they shall have appointed, or whose appointment they shall have required.

Arbitration. Provided always, that the award given by any sole Arbitrator shall never be for a less sum than that offered by the Company as aforesaid; and if in any case where three Arbitrators shall have been appointed, the sum awarded be less or not greater than that offered by the Company, the costs of Arbitration shall be borne by the opposite party and deducted from the compensation,

compensation, otherwise they shall be borne by the Company, and in either case they may, if not agreed upon, be taxed by any Judge of the said Superior Court.

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

The Judge of the said Superior Court 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 a Judge of the said Court, (as it may be for reasonable cause shewn, on the application of such sole Arbitrator or one of the Arbitrators after one clear day's notice to the others,) then the sum offered by the Company as aforesaid, shall be the compensation to be paid by them. Arbitration.

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 or any Judge of the said Court, residing in the District of Montreal, 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 said Company 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 some Judge of the said Court, as aforesaid, as attested by his certificate to that effect,) the said Company, 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. Arbitration.

The Company 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; and no change of ownership after the notice shall affect the proceedings, but the party notified shall still be deemed the owner, except as to the payment of the sum awarded. Arbitration.

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 Company or by the opposite party, or that he has previously expressed an opinion as to the amount Arbitration.

amount of compensation, or that he be related or of kin to any member of the Company, provided he be not himself personally interested in the amount of such compensation, and no cause of disqualification shall be urged against any Arbitrator appointed by a Judge of the said Superior Court as aforesaid, after his appointment, but shall be made before the same, and its validity or invalidity summarily determined by such Judge; and no cause of disqualification shall be urged against any Arbitrator appointed by the Company or by the opposite party, after the appointment of a third Arbitrator; and the validity or invalidity of any cause of disqualification urged against any such Arbitrator, before the appointment of a third Arbitrator, shall be summarily determined by any Judge of the said Court as aforesaid, on the application of either party, after one clear day's notice to the other, and if such cause be determined to be valid, the appointment shall be null, and the party offering the person so adjudged to be disqualified, shall be held to have appointed no Arbitrator.

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

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

XXII. 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 said Company the power forthwith to take possession of the lands, or to exercise the right, or to do the thing for which such compensation or annual rent shall have been awarded or agreed upon; and if any resistance or forcible opposition shall be made by any person or party to their so doing, any Judge of the said Superior Court residing in the District of Montreal, may, on proof to his satisfaction that the requirements of this Act have been complied with, issue his warrant to the Sheriff of the District or to any Bailiff of the Court, (as in his discretion may be most suitable,) to put the said Company 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 of possession shall also be granted by any such Judge at any time after the first notice containing the appointment of an arbitrator by the Company, upon proof by affidavit of the Engineer or some other officer of the Company, to his satisfaction, that immediate possession of the land, or power to do the thing in question, is necessary to the carrying on of the works of the said Company, the adverse party being summoned,

Proviso: in
certain cases,
warrant of
possession
may issue
before award.

summoned, by one clear day's notice, to appear before such Judge, and the Company giving such security as the said Judge shall direct, to pay the sum to be awarded, with interest from the day on which the warrant shall be granted, and all lawful costs, within ten days from the date of the award, such security not being for less than twice the sum offered by the Company in the notice to such adverse party.

XXIII. And be it enacted, That the compensation awarded as aforesaid, or agreed upon by the said Company, and any party who might under this Act validly convey the lands or tenements, 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 hypothec or incumbrance upon the said land, or any portion thereof, shall, as against the said Company, be converted into a claim to the said compensation, or to a like proportion thereof, and they shall be responsible accordingly whenever they shall have paid such compensation, or any part thereof, to a party not entitled to receive the same, saving always their recourse against such party; Provided always, that if the said Company shall have reason to fear any such claims, hypothecs 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 and guarantee, or if the party entitled to claim the same cannot be found, or be unknown to the Company, or if for any other reason the Company shall deem it advisable, it shall be lawful for them to deliver to the Prothonotary of the said Superior Court, at the City of Montreal, an authentic copy of the conveyance, or of the award or agreement if there be no conveyance, and an accepted draft on some solvent chartered Bank in the said City, for the amount of the awarded or compensation money, bearing interest, and payable to the order of such Prothonotary or his successor in office, five months after the date thereof, and such award or agreement shall thereafter be deemed to be the title of the said Company to the land therein mentioned, and proceedings shall thereupon be had for the confirmation of the title of the said Company, in like manner as in other cases of confirmation of title, except that in addition to the usual contents of the notice, the Prothonotary shall state that the title of the Company (that is, the conveyance, 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 oppositions for their claims to the compensation, or any part thereof, and all such oppositions shall be received and adjudged upon by the Court, and the judgment of confirmation shall for ever bar all claims to the lands, or any part thereof; (including dower not yet open,) as well as all hypothecs or incumbrances on the same; and the Court shall make such order for the distribution, payment or investment of the compensation, and for the

Compensation to stand in place of land.

Proviso: if the Company fear incumbrances.

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, shall be paid by the said Company, or by any other party, as the Court shall deem equitable to order, and if judgment of confirmation be not obtained in five months from the delivery of the conveyance, agreement or award to the Prothonotary from any error, fault or neglect of the Company, the Court shall order the Company to pay to the Prothonotary the interest for such further period as may be right.

Proviso as to lands as to which this Act shall not have been complied with.

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

Provisions of 2 Wm. 4, c. 58, and 6 Wm. 4, c. 6, and 4 Vict. c. 18, applied to a certain extent to the branch, &c.

XXV. And be it enacted, That all the provisions of the Act first cited in the Preamble of this Act, and of the Act and Ordinance amending the same, shall, in so far as it is not otherwise specially provided in this Act, be applicable to and shall govern the Branch and continuation hereby authorized to be constructed, as if such Branch or continuation had been authorized by and constructed under the authority of the said Acts and Ordinance, and the said Branch or continuation, respectively, shall when completed form part of, and together with the present Rail-road, shall be and be called *The Champlain and St. Lawrence Rail-road*: Provided always, that the forty-eighth section of the said first mentioned Act, and generally all such provisions as may be contrary to the provisions of this Act, shall be and are hereby repealed.

Proviso.

What tolls the Company may charge and take.

XXVI. And be it enacted, That it shall and may be lawful for the said Company from time to time hereafter to ask, demand, take and recover for all goods, wares, merchandize and commodities, and for every passenger conveyed over the said Branch and continuation, or either of them, the same and no higher rates for each and every mile they may be so conveyed as the said Company are empowered to ask, demand, take and recover by virtue of the said first recited Act; and that the said Company shall have power to fix the sums to be charged for the carrying of small parcels, in the manner by the said Act provided.

Small parcels.

Provision as to Her Majesty's Mail, &c.

XXVII. Provided always, and be it enacted, That the said Company 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,

command of any Police force, and with the whole resources of the Company if necessary, carry Her Majesty's Mail, Her Majesty's Naval or Military Forces or Militia, and all Artillery, ammunition, provisions or other stores for their use, and all Policemen, Constables, and others travelling on Her Majesty's service, on their said Rail-road, on such terms and conditions and under such regulations as the said Company and the said Deputy Post-Master General, the Commander of the Forces, or person commanding any Police Force, respectively, shall agree upon, or if they cannot agree, then on such terms and conditions, and under such regulations as the Governor in Council shall make; Provided always, 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.

Proviso?

XXVIII. And be it enacted, That Her Majesty may, at any time, before or after the said Branch and continuation are completed, assume the possession and property of the whole of the said Rail-road, and of all the property of the Company held by them under the said first recited Act and this Act, and of all the rights, privileges and advantages vested by this Act and the said first recited Act in the said Company (all which shall after such assumption be vested in Her Majesty) on giving to the said Company three months' notice of the intention to assume the same, and on paying to the said Company within three months of the expiration of such notice, the whole amount of their Capital Stock then paid up and expended, and twenty per centum increase thereon, together with any sums *bonâ fide* furnished or advanced by the Shareholders or borrowed by the said Company and expended in completing and improving the said Rail-road and other works connected therewith, with legal interest on the sums expended on the said Branch or continuation from the time of the expenditure thereof until the time of the opening of the Branch or continuation on which they shall have been expended.

Her Majesty may assume possession of Rail-road on certain conditions.

XXIX. And be it enacted, That the said Company, to entitle themselves to all the benefits and advantages to them granted by this Act, shall and they are hereby required to make and deposit the maps or plans and books of reference mentioned in this Act within two years from the passing thereof, and to make and complete the said Branch and continuation in manner aforesaid within six years from the passing of this Act; and if the said maps or plans and book of reference be not so made and deposited within the space of two years, or if the said Branch and continuation shall not be so made and completed

Deposit of map and plan when to be made; completion of works.

within the said period of six years, so as to be used by the public as aforesaid, then and in either case this Act and every matter and thing therein contained shall cease, and be utterly null and void in so far as regards the Branch or continuation which shall not be so completed, or with regard to which the map or plan and book of reference hereby required shall not be deposited within the period hereby limited for completing or depositing the same respectively.

By-laws respecting tolls, &c. to be sanctioned by the Governor.

See 14 & 15 Vict. c. 144, sec. 5; & 16 Vict. c. 78, sec. 17.

XXX. And be it enacted, That no By-law of the said Company to be hereafter made and by which any Tolls shall be fixed or directed to be taken for the conveyance of Passengers, goods, wares or merchandize on the said Rail-road, or which shall be intended to affect any party other than the members, officers and servants of the Company, shall have force or effect until it shall have been sanctioned and confirmed by the Governor of this Province, under his hand and seal at arms, and published in the *Canada Gazette*, a copy whereof shall be proof of such By-law and of such sanction and confirmation, in all Courts and places whatsoever: Provided always, that the same Tolls shall be payable at the same time and under the same circumstances upon all like goods, wares, merchandize and passengers by the same class of carriages, so that no undue privilege or monopoly may be afforded to any person or class of persons by any By-law relating to Tolls.

Branch, &c. not exempt from operation of any general Rail-way Act.

XXXI. And be it enacted, That nothing herein contained shall be construed to except the Branch or continuation by this Act authorized to be made, from the provisions of any general Act relating to Rail-ways which may be passed during the present or any future session of Parliament; and that no further provisions which the Legislature may hereafter make with regard to the form and times and details of the accounts to be laid before the Legislature by the Company, or the mode of attesting or rendering the same shall be deemed an infringement of the privileges of the Company.

Public Act.

XXXII. And be it enacted, That this Act shall be a Public Act.

ANNO 14 & 15 VICT.

CAP. CXLIV.

An Act to empower the Company of Proprietors of the Champlain and Saint Lawrence Rail-road to make a Branch Road, and for other purposes.

Preamble.

WHEREAS the Company of Proprietors of the Champlain and Saint Lawrence Rail-road, incorporated under and by virtue of an Act of the Legislature of the Province of Lower Canada, passed in the second year of the Reign of His late Majesty

Majesty King William the Fourth, and intituled, *An Act for making a Rail-road from Lake Champlain to the River Saint Lawrence*, have, by their petition to the Legislature, represented that they are desirous of making a Branch from some point on their Rail-road between Isle-aux-Noix and Rouse's Point, across the River Richelieu to the Province line on the east side of the said River, there to connect with the American Rail-roads leading to the great cities on the Atlantic Ocean, and have prayed that the powers necessary for this purpose, and certain other powers required for the better management of their business, be granted to the said Company; And whereas the said Branch Rail-road, if suitable facilities be afforded for crossing the said River Richelieu, so as to avoid the delay, damage and inconvenience attending any change of carriages, would tend greatly to facilitate the communication between the whole valley of the River Saint Lawrence and the Atlantic Ocean, to increase the trade passing down the said river from the great lakes and the western country, and to augment the revenue of the Canal and Public Works of this Province, and it is therefore expedient, under suitable provisions and conditions, to grant the prayer of the said Company: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the said Company of Proprietors of the Champlain and Saint Lawrence Rail-road shall have full power and authority to construct a Branch Rail-road from some point on the River Richelieu, opposite Ash Island, and across Ash Island to the eastern branch of the said River, and across the said eastern branch of the said River in the manner hereinafter mentioned, and from a point on the eastern bank of the said River opposite the said Island to some point on the Province line, in the County of Rouville.

L. C.
2 W. 4, c. 58.

Company
may make
a Branch
Road.

II. And be it enacted, That the said Company shall have full power and authority to construct on the western bank of the said River and on the western side of Ash Island, suitable Wharves or Piers and landing places, and to have and use such Vessel as they shall find suitable for conveying their trains, cars or carriages, passengers and goods across the opening between the said Wharves or Piers: Provided always, that a clear opening of at least two hundred and fifty feet, at the deepest part of the said River, shall be left between the said Wharves or Piers, so that the said Piers shall not come nearer to the centre of the channel of the said River than one hundred and twenty-five feet on each side thereof; and the said Vessel shall

The Company
may construct
wharves, &c.,
and use a ves-
sel.

Proviso.

shall always be kept out of the said opening, except when actually employed in conveying over any Train, Cars, Carriages, Passengers or Goods ; and the said Company shall cause the said Wharves or Piers to be properly lighted at night, so as to shew distinctly the said opening between them, and shall also have proper Lights on board their said Ferry-vessel when crossing the said opening ; and the said Company shall also have power to construct a Viaduct for their said Branch Rail-road from the eastern bank of Ash Island to the eastern bank of the said River, such Viaduct to be on open piles without solid piers, and so constructed as not materially to diminish the flow of water.

Within what limits the Bridge shall be built.

May use part of the beach, &c.

III. And be it enacted, That the said Company shall have full power and authority to take, use, occupy and hold, but not to alienate, so much of the public beach or beach-road, or of the land covered with the waters of the said River Richelieu, or of Ash Island, and whether such beach, beach-road or land covered with water form part of or adjoin the main shore of the said river or the said island, as may be required for the said Viaduct, and the Wharves and other works aforesaid, or are necessary for the proper use thereof ; Provided always, that such lands shall not be taken, nor the said Viaduct erected except in accordance with the provisions of this Act ; nor shall any land vested in the Principal Officers of Her Majesty's Ordnance be taken without their consent.

Proviso,

Company may borrow a further sum of money.

IV. And for the purpose of enabling the said Company to carry out the improvements aforesaid, it shall be lawful for them to borrow from time to time in this Province or elsewhere, such sums of money as they may find necessary, not exceeding the sum of Seventy-five Thousand Pounds, over and above the sums they are now by law authorized to borrow ; and such sum may be borrowed, made payable and secured, under the provisions made by the third Section of the Act passed in the Session held in the Thirteenth and Fourteenth years of Her Majesty's Reign, and intituled, *An Act to authorize the Company of Proprietors of the Champlain and Saint Lawrence Rail-road to extend the said Road, and for other purposes*, and at any rate of interest not exceeding that limited in the said section, which shall apply to the sum hereby authorized to be borrowed, as if it formed part of the sum which by the said section the Directors are empowered to borrow.

13 & 14 Vict. c. 114.

Tolls may be taken by Company.

V. And be it enacted, That it shall be lawful for the said Company, from time to time, to ask and demand, take and recover for all goods, wares, merchandize, and commodities, and for any passengers conveyed over the branch Rail-road they are hereby empowered to construct, the same and no higher rates for each and every mile they may be so conveyed, as they are by the Act last above cited and the other Acts incorporating or relating to the said Company, empowered to ask,

ask, demand, take and recover on other portions of their Rail-road, and with like power to fix the sums to be charged for carrying small parcels; Provided always, that the By-laws fixing any such Toll shall be subject to all the provisions made by the said Act with regard to By-laws fixing Tolls; and provided also, that the same Tolls shall be payable at the same time, and under the same circumstances, and upon the said Rail-road authorized to be constructed in and by the said Acts incorporating the said Company, and upon the said branch Rail-road, established by this Act, so that no undue advantage, privilege or monopoly may be afforded to any person or class of persons, by any By-laws relating to the Tolls, or by reason of the said Tolls, and that no Tolls shall be levied or taken for the transportation of freight and passengers until approved of by the Governor General in Council, nor until after two weekly publications in the *Canada Gazette* of the By-law establishing such Tolls, and of the Order in Council approving thereof: and that every By-law of the said Company fixing and regulating Tolls shall be subject to revision by the Governor in Council from time to time, after approval thereof as aforesaid, and after an Order in Council reducing the Tolls fixed and regulated by any By-law, shall have been twice published in the *Canada Gazette*, the Tolls mentioned in such Order in Council shall be substituted for those mentioned in such By-law, so long as such Order in Council remains unrevoked.

Proviso.

Proviso.

VI. And be it enacted, That the Act above cited and all the provisions thereof shall (except only in so far as they may be inapplicable or inconsistent with the provisions of this Act) apply to the branch Rail-road and other works which the said Company are hereby empowered to construct, and to the lands required for the same, as fully as to the branch Rail-road and other works mentioned in the said Act, or as they would do if the branch Rail-road and other works mentioned in this Act, formed part of those which the Company are empowered to construct by the said Act; and that, subject to the provisions of this Act and of the Act last above cited, the provisions of the Act incorporating the said Company, passed in the second year of the Reign of King William the Fourth, and intituled, *An Act for making a Rail-road from Lake Champlain to the River St. Lawrence*, as modified by the subsequent Act and Ordinance, amending the same, shall apply to the branch Rail-road and works to be constructed under this Act, which shall, when completed, form part of, and together with the present Rail-road, shall be and be called "The Champlain and St. Lawrence Rail-road."

Provisions of certain Acts to extend to their works authorized by this Act.

2 W. 4, c. 58.

VII. And be it enacted, That for and notwithstanding any thing in the said Act incorporating the said Company, or in any other Act thereunto relating, any person being the proprietor of the requisite amount of the Stock of the said Company, and

Aliens may be Directors.

and otherwise qualified to become a Director thereof, may be elected and be such Director, although he be not a subject of Her Majesty by birth, naturalization or otherwise.

Branch, &c.
to be subject
to any general
Act.

VIII. And be it enacted, That nothing herein contained shall be construed to except the said branch Road and other works mentioned in this Act, from the provisions of any General Act relating to Rail-ways which may be passed during the present or any future Session of Parliament; and that no further provisions which the Legislature may hereafter make with regard to the form, and times and details of the accounts to be laid before the Legislature by the Company, or the mode of attesting or rendering the same, shall be deemed an infringement of the privileges of the Company.

Branch Road
and Bridge to
be completed
within a
certain time.

IX. And be it enacted, That the said Company shall construct, and complete the said branch Rail-road within three years from the passing of this Act, and shall make and file the Plan and Book of Reference required with regard to the same, within one year from the passing hereof, in the manner prescribed by the seventh section of the said Act, passed in the session held in the thirteenth and fourteenth years of Her Majesty's Reign, otherwise their right to make such branch Rail-road shall cease.

Public Act.

X. And be it enacted, That this Act shall be a Public Act.

ANNO 16 VICT.

CAP. LXXVIII.

An Act to authorize the Company of Proprietors of *The Champlain and St. Lawrence Railroad*, to consolidate their debt, and for other purposes.

Preamble.

WHEREAS the Company of Proprietors of the Champlain and St. Lawrence Railroad have, by their petition, represented that the power conferred on them by various Acts of the Legislature of the late Province of Lower Canada and of this Province, is inadequate to enable them, in a brief and simple form, to secure by way of mortgage the sums of money to be from time to time borrowed by them, and it is desirable, in consequence of the extensive and valuable improvements and works now being erected and made by the said Corporation at the several termini of the said Railroad, that the power to borrow the sum of Seventy-five Thousand Pounds, currency, which they are authorized to do by the fourth section of the Act passed by the Legislature of this Province, in the Session held in the fourteenth and fifteenth years of Her Majesty's Reign, intituled, *An Act to empower the Company of Proprietors of the Champlain and St. Lawrence Railroad to make a Branch*

Branch Road, and for other purposes, should not be limited to the purposes in the said section set forth, but that power should be given to the said Company to borrow not only the said sum of Seventy-five Thousand Pounds, currency, but such further sum as shall with the said sum be equal in all to the sum of One Hundred and Seventy-five Thousand Pounds, sterling, for the purposes of consolidating their debt and completing their works: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That it shall be lawful for the said Corporation from time to time to borrow either in this Province, Great Britain or elsewhere, all such sum or sums of money not exceeding in all the sum of One Hundred and Seventy-five Thousand Pounds, sterling, including therein all other sums, which they were authorized to borrow by any Act passed prior to the passing of this Act, as they may find expedient, at a rate of interest not exceeding eight per cent., and to make the Bonds, Debentures, or other Securities they shall grant for the sums so to be borrowed, payable either in currency or in sterling, with interest, either in currency or in sterling, at such place or places within or without this Province, in Great Britain, or elsewhere, as they may deem advisable, and such Bonds, Debentures, or other Securities, may be made payable to bearer or transferable by simple endorsement, or otherwise; and the said Company may in such Bonds, Debentures, or other Securities, hypothecate, mortgage, or pledge, the lands, revenues and other property of the said Corporation for the due payment of the said sums and interest thereon.

Company
may borrow
£ 175,000
and issue
Debentures.

May pledge
their lands,
&c.

II. Whereas the said Company have heretofore under the authority of An Act passed prior to the Act mentioned in the preamble to this Act, borrowed money by the issue of Bonds bearing various rates of interest, and payable at various times to the extent of Seventy-four Thousand Eight Hundred and Fifty Pounds currency, which do not bear mortgage, and it is just that the holders of such Bonds should if they see fit, have the power to exercise the rights hereinafter mentioned: Be it enacted, That out of the sum of One Hundred and Seventy-five Thousand Pounds sterling, by this Act authorized to be borrowed, the said Company shall appropriate and apply the sum of Seventy-four Thousand Eight Hundred and Fifty Pounds currency, or so much thereof as shall be necessary, specially to the payment of the said Bonds issued under the authority of the said prior Act, and to no other purpose whatever; and such purpose being accomplished as hereinafter provided, or having lapsed, and become effete, the power to borrow any part of the said

Recital.

A certain portion of the new loan to be applied to pay off outstanding Debentures.

said sum of Seventy-four Thousand Eight Hundred and Fifty Pounds currency, which may not have been so applied, shall cease and become extinct, and the Bonds proposed to be issued for that purpose shall be cancelled and be not again issued.

Proceedings to be adopted by holders of outstanding Debentures in order to entitle them to the advantages of this Act; and what those advantages shall be.

Provision for raising the funds requisite for carrying out this Section.

Notice to be given by the company to be binding on the holders of outstanding Debentures.

III. And to carry out the provisions of the last foregoing Section—Be it enacted, That to entitle the holders of any of the said Bonds in the preceding Section mentioned, to the benefit thereof, they shall respectively be bound within thirty days after notice to that effect in the *Canada Gazette*, to signify in writing at the Office of the said Company in the City of Montreal, their intention either *firstly* to take in exchange therefor another Bond or Bonds of like amount, having equal privilege and mortgage, with Bonds by this Act authorized to be issued, redeemable twenty years after the date thereof, at the Office of the Company, in the City of Montreal, with interest at the rate of six per centum per annum, payable half yearly; or *secondly*, to receive out of the first moneys to be borrowed under this Act, the amount in cash of such Bond or Bonds, with interest to the day of payment; and in the latter case, the holders of any Bond notwithstanding that the same by the terms thereof may not have matured and become payable, shall be entitled to proceed for the recovery thereof against the said Company as if the said Bonds had really matured, and the same shall become immediately payable, and recoverable unless the said Company shew that they have not borrowed under this Act a sufficient sum of money, to repay all the Bonds that may be so demanded, and that they have applied none of the moneys so borrowed to any other purpose than the redemption of such Bonds. And to provide the necessary funds for the redemption of so many of the said Bonds already issued as may require to be paid, it shall be lawful for the said Company to issue and dispose of a corresponding amount to that required to be paid of the Bonds by this Act authorized to be issued, and specially set apart for the purposes contemplated in this Section; and no new or other Bond in lieu of that surrendered shall be issued, save as by this Act, and for the purposes hereby contemplated is authorized; nor shall the proceeds of the Bonds set apart to liquidate those already issued be applied to any other purpose whatever, than the redemption thereof, it being the true intent and meaning of this Act to limit the entire indebtedness of the said Company to the sum of One Hundred and Seventy-five Thousand Pounds sterling; And it is hereby further enacted and declared, That each holder of a Bond already issued by the said Company as aforesaid who shall so signify in writing as aforesaid, his intention either to take in exchange therefor another Bond as aforesaid or to receive the amount thereof in cash as aforesaid, shall be bound by such signification; and that from and after the publication in the *Canada Gazette*, subsequent to the expiration of the thirty days above mentioned, of a notice by the said Company to the effect that it is prepared to redeem the Bonds for which money has been demanded and

to issue new Bonds in exchange for those for which new Bonds have been demanded, the interest stipulated in such Bonds shall continue to accrue in respect thereof during sixty days only, or such shorter time as may elapse before the redemption or exchange thereof respectively as aforesaid, after which it shall wholly cease.

IV. And be it enacted, That all Debentures bearing mortgage, by this Act authorized to be issued, shall notwithstanding the issue and registration thereof at different periods, all rank concurrently and by equal privilege on the Real Estate of the said Company, as much to all intents and purposes whatsoever, as if all such Bonds and mortgages were issued and registered at the same time, the registration thereof being only requisite in so far as the rights of the holders thereof against third parties are concerned, it being the true intent and meaning of this Act, that each and every holder of a Bond to be issued under its authority, shall rank and have equal precedence the one with the other on the Real Estate of the said Company, irrespective of the time when any such Bond or Bonds may have been issued or registered.

Debentures bearing mortgage to rank equally together.

V. And to enable the said Company to carry into effect the provisions of this Act, it shall be competent for the Directors thereof, to pass such resolutions, not inconsistent with this Act, either with respect to depositing Debentures for the purpose of being disposed of to redeem the other debentures in this Act mentioned already issued, or of being exchanged therefor, and with regard to cancelling the whole or any part thereof, and in order to render the notices to be given by any parties conclusive on them and in respect of the Bonds for which such notice may be given, and touching all other matters and things whereby the true intent and meaning of this Act may be the better carried into effect.

Directors to pass resolutions for carrying out the provisions of this Act.

VI. And in amendment to so much of the twenty-third section of the Act passed in the session of the Legislature of that part of this Province called Lower Canada, held in the second year of the Reign of His late Majesty King William the Fourth, intituled, *An Act for making a Railroad from Lake Champlain to the River St. Lawrence*, as fixes a scale of voting, and limits the number of votes which any shareholder may give, and provides that no person shall act as proxy at any meeting for any absent proprietor for more than one hundred and fifty shares—Be it enacted, That hereafter each and every share of stock in the said Company whereon all calls made and payable shall have been paid, shall be entitled to a vote, no matter how few or many shares any proprietor may hold, and each and every share may be represented by any proxy, no matter how many shares any one proxy may represent, as much as if the owner of such share or shares were personally present, and so much

Recital.

Act of L. C. 2
Wm. 4, c. 53,
Sect. 23.

Scale of votes and shares amended: Proxies allowed to any extent.

of the said section hereby amended as is inconsistent with the present enactment is hereby repealed.

Form of Debentures, and Registration thereof.

VII. And be it enacted, That in the borrowing of moneys, by way of loan, and in creating mortgages or hypothèques for securing the same, the Debentures of the said Company shall and may be in the form contained in the Schedule A, annexed to this Act, or in any other convenient form, similar thereto, and need not be before notaries, and the registration at full length of a Debenture, (without the interest *coupons* thereto attached) in the said form in the Registry Office for the County in which the land or real estate thereby specially mortgaged and hypothecated shall lie, shall perfect the mortgage and hypothèque created by such Debenture as regards all parties whomsoever, and the Debenture and Mortgage and Hypothèque thereby created shall be to all intents and purposes binding upon the said Company in favor of the holder of the Debenture, and have the effect of mortgaging and charging all the lands and property of the said Company without any other more formal or particular description; but the description in the said Schedule A shall be held to comprehend all the lands and tenements of the said Company, all wharves and buildings of every nature thereon, and in short all the immoveable estate belonging to the said Company, including the rails and iron thereto affixed, any law or usage to the contrary notwithstanding: Provided always, that no Debenture of the said Company shall be for a less sum than One Hundred Pounds currency.

Directors may give Bond-Holders the option of exchanging them for Stock.

VIII. And be it enacted, That it shall be competent for the Directors of the said Corporation, previous to the issuing of the said Bonds and Debentures, by this Act authorized to be issued, to resolve that the holders of the same, or any of them, shall have the option and privilege, within seven years from the issuing thereof, to exchange the same or any of them for an equal amount of stock in the said Corporation, and thereupon, on the surrender of any Bond or Bonds, the owner thereof shall be entitled to claim and receive at the par value thereof of Fifty Pounds, currency, each, so many shares in the Capital stock of the said Corporation, as may be equivalent to the amount of Bonds or Debentures so surrendered, but the said Company shall not be bound to give any fractional part of a share, nor shall the party surrendering the Bonds be entitled to any of the profits of the Company, except from the yearly balancing day next following the day of surrender, but he shall be entitled to interest on the surrendered Bonds, up to the time when such right to share in the profits shall begin.

Recital.

IX. And whereas it is necessary to the carrying out of the provisions in the last preceding section contained, that the Directors should be empowered to increase the Capital Stock of the said Company; and it is also expedient, irrespective of such necessity or purpose, to confer on them absolutely the like power

power of increasing the said Capital Stock, if they should deem it advisable for the interests of the said Company so to do—Be it enacted, That it shall be lawful for the Directors of the said Company, at any time after the passing of this Act, by a resolution to that effect, to increase the Capital Stock of the said Company by the sum of Two Hundred and Twenty-five Thousand Pounds, currency, to be divided into Four Thousand Five Hundred Shares of Fifty Pounds each, or by such less sum in shares of the like amount as they may judge expedient. Provided always, that no such resolution shall have force or effect until after its adoption at a special meeting of the Shareholders specially convened for that purpose.

Directors may increase the Capital of the company by £225,000.

Proviso.

X. And be it enacted, That if after the registration in a County Registry Office of a Debenture of the said Company creating a mortgage or hypothèque, such Debenture shall be presented at the Registry Office wherein it was registered, with the word "*cancelled*," and the signature of the President, or other duly authorized Director of the said Company, or of the Secretary and Treasurer of the said Company, written across its face, the Registrar or his Deputy, on receiving the usual fee on that behalf, and on proof of the cancellation by the oath of one credible witness, (which oath the Registrar or his Deputy is hereby authorized to administer) shall forthwith make an entry in the margin of the Register against the Registry of such Debenture, to the effect that the same has been cancelled, adding to such entry the date thereof and his signature, and thereupon the cancelled Debenture shall be filed and remain of record in the said Registry Office : Provided always, that if any such cancelled Debenture shall have been registered in more than one Registry Office, it shall remain of record in the Registry Office of the County within which any part of the property mortgaged and hypothecated thereby shall lie, the other Registrar or his Deputy having first endorsed thereon his Certificate of the entry by him made of the cancellation thereof.

Entry of the cancelling of Debentures by the proper Registrar.

Proviso.

XI. And to facilitate the registration of the Debentures of the said Company creating mortgages or hypothèques and the cancellation thereof—Be it enacted, That the said Company may, if they see fit, at their own expense, deposit in any Registry Office, wherein such their Debentures may require to be registered, any number of their printed or engraved Blank Debentures in the form of the said Schedule annexed to this Act, without its being necessary to add the *coupons* thereto, bound together in a book, and having the pages thereof numbered and signed by the Secretary of the Company, and thereupon the Registrar or his Deputy shall be bound to receive and retain the same as one of the Registry Books of his Office, and to register therein the said Debentures of the Company, instead of registering them in the ordinary Registry Books of the Office ; any ordinance or law to the contrary notwithstanding.

Provisions for facilitating the Registration of Debentures.

Company may become parties to Promissory Notes, &c., and in what manner.

XII. And be it enacted, That the said Company shall have and shall continue to have power to become parties to Promissory Notes and Bills of Exchange; and any Promissory Note made or endorsed and any Bill of Exchange drawn, accepted or endorsed by the President of the Company with the counter-signature of the Secretary of the Company or any two of the Directors for the Company, and under the authority of a majority of a quorum of the Directors, is and shall be binding upon the Company; and every Promissory Note or Bill of Exchange made, drawn, accepted or endorsed by the President of the said Company or any two of the Directors as such, with the counter-signature of the Secretary shall be presumed to have been properly made, drawn, accepted or endorsed, as the case may be, for the Company, until the contrary be shown; and in no case is it or shall it be necessary to have the Seal of the Company affixed to any such Bill of Exchange or Promissory Note, nor shall the President or Directors or Secretary of the Company so making, drawing, accepting or endorsing or assisting to make, draw or endorse any such Promissory Note or Bill of Exchange, be thereby subjected individually to any liability whatever: Provided always, That nothing in this clause shall be construed to authorize the said Company to issue any Note payable to bearer, or any Promissory Note intended to be circulated as money, nor shall any Note issued or to be issued by the said Company be assignable or transferable otherwise than by endorsement in full.

Proviso.

Company may hold stock in other Companies incorporated for certain purposes.

XIII. And be it enacted, That for and notwithstanding any thing in any Act or Law to the contrary, it shall be lawful for the said Company in pursuance of any resolution to that effect adopted at a Special General Meeting of the Shareholders duly convened for that purpose, to subscribe for, purchase and hold shares in the stock of any other Railroad or Steamboat Company, either in this Province or in the United States, or in any Company for building a Bridge across the River Saint Lawrence, or other River or Lake, and to pay for the same, and to pay all Calls or Instalments on the same, out of any money belonging to the said Company.

Company may remove trees standing near their Road.

XIV. And be it enacted, That it shall and may be lawful for the said Company by their servants or workmen, to enter into and upon any land through which the said Railroad, or any part of the same, may pass, and to fell or remove any trees standing in any woods, lands or forests to the distance of six rods from either side of the said Railroad, doing as little damage as may be, and making satisfaction to the owner or proprietor of, or person interested in such land for all that he may suffer by reason of such entry, or felling, or removal as aforesaid, in the manner provided by the Act cited in the Preamble to this Act,

XV. And be it enacted, That it may and shall be lawful for the said Company to cross, intersect, join and unite the said Railroad with any other Railroad or Railway, at any point on its route, and upon the lands of such other Railway or Railroad, with the necessary conveniences for the purpose of such connection, and the owners of both Railways may unite in forming such intersection and in granting the facilities therefor; and in case of disagreement upon the amount of compensation to be made therefor, or upon the point or manner of such crossings and connection, the same shall be determined by Arbitrators to be appointed by a Judge of the Superior Court in Lower Canada.

Company may unite their Railroad with that of any other Company.

XVI. And be it enacted, That it shall be lawful for the said Company to enter into any agreement with any other Railway Company either in this Province or in any foreign state for leasing the said Railroad or any part thereof, or the use thereof, at any time or times to such other Company, or for leasing or hiring out to such other Company any Locomotives, Cars, Carriages, Tenders or other moveable property of the said Company, either altogether or for any time or times, occasion or occasions, or for leasing or hiring from such other Company any Railroad or part thereof, or the use thereof at any time or times, or for leasing or hiring from such other Company any Locomotives, Cars, Carriages, Tenders, or other moveable property, or for using either the whole or any part of the said Railroad or of the moveable property of the said Company, or of the Railroad and moveable property of such other Company in common by the two Companies, or generally to make any agreement or agreements with any such other Company touching the use by one or the other or by both Companies, of the Railroad or moveable property of either, or of both, or any part thereof, or touching any service to be rendered by the one Company to the other, and the compensation therefor; and any such agreement shall be valid and binding, and shall be enforced by all Courts of Justice in this Province according to the terms and tenor thereof; and any Locomotive, Car, Carriage or Tender of any foreign Railroad Company brought into this Province in pursuance of any such agreement, but remaining the property of such Foreign Company, and intended to pass regularly along the said Railroad between this Province and a foreign state, shall, for all purposes of the Laws relative to Customs, be considered as carriages of travellers coming into this Province, with the intent of immediately leaving it again.

Company may agree with other Companies as to certain services to be performed by the one Company for the other.

XVII. And be it enacted, That the tolls shall be those from time to time fixed by the By-laws of the Company, approved or revised in the manner provided by the Act cited in the Preamble to this Act, in reference to the said tolls, and shall and may be demanded and received for all passengers and goods transported upon the Railroad or in the steam vessels to the Company belonging, and shall be paid to such persons and

Tolls, and the mode of enforcing payment thereof.

See 2 Wm. 4 c. 58, secs. 34, 36, 37 & 38; 13 & 14 Vict. c. 114, secs.

26 & 30 : &
14 & 15 Vict.
c. 144, sec. 5.

and at such places near to the Railroad, in such manner and under such regulations as the said By-laws shall direct : and in case of denial or neglect of payment of any such tolls or any part thereof on demand, to such persons, the same may be sued for and recovered in any competent Court, or the agents or servants of the Company may and they are hereby empowered to seize the goods for or in respect whereof such tolls ought to be paid, and detain the same until payment thereof ; and in the mean time the said goods shall be at the risk of the owner thereof, and if the said tolls shall not be paid within six weeks, the Company shall thereafter have power to sell the whole or any part of such goods, and out of the money arising from such sales to retain the tolls payable as aforesaid, and all charges and expenses of such detention and sale, rendering the surplus, if any, of the money realised from such sale or such of the goods as may remain unsold, to the person entitled thereto ; and out of the proceeds thereof to pay such tolls and all reasonable charges for storing, advertising and selling such goods, and any balance of such proceeds shall be kept by the Company for a further period of three months, to be paid over to any party entitled thereto ; and in default of such balance being claimed before the expiration of the period last aforesaid, the same shall be paid over to the Receiver General to be applied to the general purposes of the Province, until such time as the same shall be claimed by the party entitled thereto : and all or any of the said tolls may by any By-law be lowered and reduced, and again raised as often as it shall be deemed necessary for the interests of the undertaking, subject to such approval as aforesaid ; and further, in all cases whenever any package or packages may contain goods or articles of a perishable nature and the owner thereof cannot be found or shall refuse or neglect forthwith to pay the tolls and charges thereon, it shall be lawful for the Company to cause the said goods and articles to be sold by public auction, within a reasonable time at the discretion of the Company, to secure the payment of the said tolls and charges and to prevent the total loss of the said goods and articles ; the proceeds of such sale shall be kept and paid in the manner herein provided for goods remaining unclaimed.

Punishment
of persons
wilfully
displacing
switches, &c.

See 2 Wm. 4
c. 58, sec. 19.

XVIII. And be it enacted, That if any person shall wilfully and maliciously displace or remove any Railway switch or rail of the Railroad of the said Company, or shall break down, rip up, injure or destroy any Railroad track, or Railroad bridge of the said Company, or any portion thereof, or place any obstruction whatsoever on any such rail or Railroad track or bridge, with intent thereby to injure any person or property passing over or along such Railroad, or to endanger human life, every such person so offending, shall be guilty of felony, and shall be punished by imprisonment with hard labour in the Common Gaol of the District in which such offence shall be committed or tried, for any period not exceeding one year
from

from conviction thereof; and if in consequence of such act done with the intent aforesaid, any person so passing over and along such Railroad, shall actually suffer any bodily harm, or any property passing over and along such Railroad shall be injured, such suffering or injury shall be an aggravation of the offence, and shall subject the said offender to such further punishment by imprisonment with hard labour not exceeding two years in the whole imprisonment, as the circumstances of the case may demand.

XIX. And be it enacted, That if any person shall wilfully and maliciously displace or remove any Railway switch, or rail of the Railroad of the said Company, or shall break down, rip up, injure or destroy any Railroad track, or Railroad bridge or fence of the said Company, or any portion thereof, or place any obstruction whatever on any such rail or Railroad, track or bridge, or shall do or cause to be done any act whatever whereby any engine, machine or structure or any matter or thing appertaining thereto shall be stopped, obstructed, impaired, weakened, injured or destroyed, with intent thereby to injure any person or property passing over or along the said Railroad, and if in consequence thereof any person is killed, or his life is lost, such person so offending shall be deemed guilty of manslaughter, and shall be liable to be indicted and tried for the crime of manslaughter and punished therefor accordingly.

Punishment of persons wilfully injuring Rail-road.

And if life be lost.

XX. And be it enacted, That if any person shall wilfully and maliciously do or cause to be done any act whatever whereby any building, fence, construction or work of the said Company, or any engine, machine, or structure, or any matter or thing appertaining to the same shall be stopped, obstructed, impaired, weakened, injured or destroyed, such person so offending shall be guilty of a misdemeanor, and punished by imprisonment with hard labour, not exceeding one year, in the common gaol of the District in which such offence shall have been committed or tried.

Punishment of persons injuring buildings, &c. of the Company.

XXI. And be it enacted, That all provisions of law inconsistent with this Act, are and shall be repealed from the passing thereof.

Inconsistent enactments repealed.

XXII. And be it enacted, That the Interpretation Act shall apply to this Act, and that this Act shall be a Public Act.

Public Act.

SCHEDULE A

(Referred to in this Act.)

CHAMPLAIN AND SAINT LAWRENCE RAILROAD COMPANY,

FIRST MORTGAGE LOAN.

Number	£	Sterling (or Currency.)
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This Debenture witnesseth that the Company of Proprietors of the Champlain and Saint Lawrence Railroad, under the authority of the Provincial Statute passed in the Sixteenth year of Her Majesty's Reign, intituled, *An Act to authorize the Company of Proprietors of the Champlain and St. Lawrence Railroad, to consolidate their debt, and for other purposes*, and the several Acts incorporating and having reference to the said Company, have received from _____ of

the sum of _____
 currency, (or sterling) as a Loan, to bear interest from the date hereof, at the rate of _____ per centum per annum, payable half yearly, on the _____ day of _____ and on the _____ day of _____

which sum of _____ currency (or sterling) the said Company bind and oblige themselves to pay on the _____ to the said _____ or to the bearer thereof ; and to pay the interest thereon half yearly as aforesaid on the production of the *coupon* therefor, which now forms part of this Debenture.

And for the due payment of the said sum of money and interest, the said Company, under the power given to them by the said Statute and Acts, do hereby mortgage and hypothecate the real estate and appurtenances hereinafter described, that is to say : *The whole of the Railroad from Saint Lambert to Laprairie, Saint John's and Rouse's Point, including all the Lands at the four Termini of the said Road, and all the Lands of the Company within those limits, and all buildings thereon erected, and all and every the appurtenances thereto belonging ;* and it is further witnessed that the holder of this Debenture shall be entitled, on the surrender thereof to the Company within _____ years from this date, but not afterwards, to receive an equivalent amount of shares in the said Company, at the par value thereof, in accordance with the terms of the Act under which this Debenture is issued.

In testimony whereof _____ President
 of the said Company, hath hereto set and affixed his signature,
 and the Common Seal of the said Company, at the City of
 Montreal.

Montreal, this day of one thousand
eight hundred and

President.

Counter-signed and entered.

Secretary.

I certify that this Debenture was duly registered in the Re-
gistry Office for the County of in the District
of on the day of
one thousand eight hundred and at
of the clock in the noon, in Register page

Registrar.

ANALYTICAL INDEX

TO THE

FOREGOING ACTS.

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- Time to which accounts shall be made up in each year, to be settled by the Company,—4 Vic. Cap. 18, Sec. 2. (p. 32.)
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(*Original Line of Road*,—2 W. 4, Cap. 58.)

Any disagreement between the Company and the owners, &c. of any lands taken by them, to be settled by arbitration ; if such owners, &c. are unwilling or unable to appoint Arbitrators, the Court of King's Bench (now *Superior Court*) for Montreal may, at the instance of the Company, direct the summoning of a Jury, who shall determine the amount of compensation, and the Court shall give judgment accordingly,—Sec. 12. (p. 9.)

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On payment or legal tender of the money or annual rent, the Company may take possession of property, &c.,—Sec. 15. (p. 11.)

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After due notice of deposit of plan, &c., Company may agree with owners, &c. of lands required by them, as to amount of compensation for land or damages,—13 & 14 Vic. Cap. 114, Sec. 21. (p. 44.)

Deposit of plan and book of reference, and publication of notice thereof, to be deemed a general notice of the lands required,—*Ib.* (p. 45.)

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In case of absence of the opposite party, any Judge of the Superior Court may (on production of above certificate, with an affidavit of such absence,) direct the publication of such notice in an English and a French newspaper at Montreal,—*Ib.* (p. 45.)

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If either of the Arbitrators shall die, fail, or become disqualified, before the award, another may be appointed (in the same manner as his pre-

ARBITRATION—Continued:

decessor), the others being notified thereof. No re-commencement of proceedings necessary,—*Ib.* (p. 47.)

Company may desist from or change the notice first mentioned, being liable to the other party for any costs incurred thereby,—*Ib.* (p. 47.)

No change of ownership to affect the proceedings, except as to payment of award,—*Ib.* (p. 47.)

Arbitrator or Surveyor not to be disqualified except by having a personal interest in amount of the compensation. No disqualification to be urged against any Arbitrator appointed by a Judge, after his appointment, nor against any appointed by the parties after appointment of a third Arbitrator. Objections duly made against either of such Arbitrators to be determined by a Judge, after one day's notice of the application,—*Ib.* (p. 47.)

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May be made payable in Currency or Sterling, in this Province or elsewhere, and be secured on the tolls and property of the Company,—13 and 14 Vic. Cap. 114, Sec. 3. (p. 36.);—also, 16 Vic. Cap. 78, Sec. 1. (p. 57.)

May be made payable to bearer, or transferable by simple endorsement or otherwise,—16 Vic. Cap. 78, Sec. 1. (p. 57.)

£74,850 Currency, of the moneys authorized to be borrowed under 16 Vic. Cap. 78, to be applied to the redemption of debentures issued under Act of 13 and 14 Vic,—16 Vic. Cap. 78, Sec. 2. (p. 57.)—Holders of such debentures to signify (within thirty days after publication of notice) their intention either to take new mortgage bonds in exchange, or to receive the amount thereof in cash (which they may recover from the Company). To be bound by such signification. Interest on debentures not to extend beyond sixty days from the notice,—Sec. 3. (p. 58.)—Directors may pass Resolutions necessary for carrying out the foregoing,—Sec. 5. (p. 59.)

BONDS OF THE COMPANY—*Continued* :

- All mortgage bonds to rank concurrently and by equal privilege on the real estate of the Company,—*Ib.*, Sec. 4. (p. 59.)
- Form of Debentures (Schedule A.) Registration thereof in the Registry Office of the County in which the land specially mortgaged shall lie, shall perfect the mortgage created thereby,—*Ib.*, Sec. 7. (p. 60.)
- No Debenture to be for a less sum than £100 Currency,—*Ib.*, Sec. 7. (p. 60.)
- Directors may give holders of new debentures the option of exchanging the same for stock within seven years from the issue thereof,—*Ib.*, Sec. 8. (p. 60.)
- On presentation of a Debenture with the word "cancelled" written across it, and the signature of an Officer of the Company, the Registrar, on proof of cancellation upon the oath (administered by himself) of one witness, shall register such cancellation. If such debenture has been registered in more than one office, it shall remain of record in the office of the County in which the land mortgaged is situate, after endorsement by the other Registrar of his registry of the cancellation,—*Ib.*, Sec. 10. (p. 61.)
- Company may deposit blank debentures in Registry Office, to facilitate registration thereof,—*Ib.*, Sec. 11. (p. 61.)

BORROWING MONEY :

- Company may borrow £75,000 Currency, for the extension to Rouse's Point, at eight per cent interest ; pledging their property therefor,—13 & 14 Vic. Cap. 114, Sec. 3. (p. 36.)
- May borrow £75,000 Currency (on same conditions), for extension across Ash Island to Province Line,—14 & 15 Vic. Cap. 144, Sec. 4. (p. 54.)
- May borrow such sum as, with the £75,000 last mentioned, shall amount to £175,000 Sterling (on same conditions), to consolidate their debt,—16 Vic. Cap. 78, Sec. 1. (p. 57.)—£74,850 Currency of this to be applied to the payment of bonds (not bearing mortgage) issued under former Act,—Sec. 2. (p. 57.)—Mode of redemption thereof,—Sec. 3. (p. 58.) See Bonds of the Company.

BRANCHES :—See Extensions.

BRIDGES :

- Over any highway (on *original line*) to leave a passage of fifteen feet in breadth, and sixteen feet in height ; descent not to exceed one foot in thirteen,—2 W. 4, Cap. 58, Sec. 4. (p. 6.)—(On *Branch and Extensions*.) Passage to be twenty feet by sixteen, with a descent of not over one in twenty,—13 & 14 Vic. Cap. 114, Sec. 9. (p. 39.)
- For carrying any highway over the Railway (on *original line*) ; ascent not to exceed 1 foot in 13 ; to be fenced 4 feet high,—2 W. 4, Cap. 58, Sec. 5. (p. 7.)—(On *Branch and Extensions*.) Ascent to be not over 1 foot in 20,—13 & 14 Vic. Cap. 114, Sec. 10. (p. 39.)
- Over the Richelieu,—See Ash Island.
- Company may subscribe for the stock of any Bridge Company, on a Resolution to that effect being adopted at a Special General Meeting,—16 Vic. Cap. 78, Sec. 13. (p. 62.)

BY-LAWS :

- Regulating Tolls or affecting any persons not Members or Officers of the Company, to be submitted for the sanction of the Governor,—13 & 14 Vic. Cap. 114, Sec. 30. (p. 52.)—See also 14 & 15 Vic. Cap. 144, Sec. 5. (p. 55.)
- Tolls not to be levied under any By-law till it has been approved by the Governor in Council, and published twice in the Canada Gazette. Tolls to be subject to subsequent revision by the Governor,—14 & 15 Vic. Cap. 144, Sec. 5. (p. 55.)
- Directors may pass Resolutions in reference to the redemption and cancellation of the Debentures issued under 13 & 14 Vic. c. 114,—16 Vic. Cap. 78, Sec. 5. (p. 59.)
- Directors may increase capital, by £225,000 Currency, after a Resolution to that effect has been passed at a Special General Meeting,—16 Vic. Cap. 78, Sec. 9. (p. 60.)

BY-LAWS—Continued :

Tolls to be regulated by By-law, subject to approval of the Governor,—*ib.*, Sec. 17. (p. 63.)

CALLS :—*See* Capital Stock.

CANCELLATION OF DEBENTURES :—*See* Bonds.

CAPITAL STOCK :

(*Original Line of Road.*)

Not to exceed £50,000, to be applied to the construction of the Railroad and preliminary expenses only,—2 W. 4, Cap. 58, Sec. 20. (p. 14.)

To be divided into shares of £50 each, which shall be deemed personal estate, and shall entitle the holders to a proportionate amount of the profits,—*ib.*, Sec. 21. (p. 14.)

If found insufficient, £15,000 additional stock may be raised,—*ib.*, Sec. 22. (p. 15.)

Form of proxy,—*ib.*, Sec. 23. (p. 16.)

Calls may be made at General Meetings, or by the Committee; not to exceed £5 per share, at intervals of not less than one month; three weeks notice thereof to be given. Persons neglecting to pay calls, to forfeit 5 per cent on their stock; on neglecting to pay for two months, the whole stock to be forfeited for the benefit of the Company,—*ib.*, Sec. 28. (p. 18.)

Such forfeiture must be declared at a subsequent General Meeting,—*ib.*, Sec. 29. (p. 19.)

Mode of transferring shares. Transfers to be registered, *ib.*, Sec. 31. (p. 20.)

Form of transfer,—*ib.*, Sec. 32. (p. 20.)

No dividend to be paid on any stock until all calls are paid up,—*ib.*, Sec. 35. (p. 22.)

(*Extensions.*)

£185,000 additional capital authorized (in £50 shares), for extension to Rouse's Point, and branch to some point opposite Montreal,—13 & 14 Vic. Cap. 114, Sec. 2. (p. 35.)

Holders of new stock to have same obligations and privileges as the old Stockholders,—*ib.*, Sec. 2. (p. 35.)

Unpaid instalments thereof may be recovered in any competent Court, with interest and costs; nature of proof necessary,—*ib.*, Sec. 2. (p. 35.)

New Stock, in other respects, to be subject to the provisions of the original stock,—*ib.*, Sec. 2. (p. 36.)

The amount actually expended by the Company on their works to be deemed their capital (in respect to the limitation of profits), provided it do not exceed the amount of capital authorized and paid up, and the amount they are empowered to borrow,—*ib.*, Sec. 4. (p. 36.)

Power to borrow £75,000 Currency, to construct a branch across Ash Island to the Province Line,—14 & 15 Vic. Cap. 144, Sec. 4. (p. 54.)—

Provisions of original Act as amended, applied to such Branch,—Sec. 6. (p. 55.)—£175,000 Sterling, substituted for foregoing amount, to enable the Company to consolidate their debt,—16 Vic. Cap. 78, Sec. 1, 2. (p. 57.)

Each share of stock to entitle holder to a vote. A person may act as proxy for any number of shares,—16 Vic. Cap. 78, Sec. 6. (p. 59.)

Directors may give the holders of Debentures issued for any portion of the above amount, the option of exchanging the same for stock within seven years,—*ib.*, Sec. 8. (p. 60.)

Power to increase the capital by £225,000 Currency, upon adoption of a Resolution to that effect at a Special Meeting of the Shareholders,—*ib.* Sec. 9. (p. 60.)

CHAMPLAIN, LAKE :

Power to occupy (but not alienate) such portion of the bed of Lake Champlain, as may be necessary for the works, with the consent of the Governor,—13 & 14 Vic. Cap. 114, Sec. 15. (p. 41.)

CLERK :—*See* Officers.

COLLECTOR :—*See* Officers.

COMMITTEE OF MANAGEMENT :

- To be appointed at General Meetings,—2 Wm. 4, Cap. 58, Sec. 25. (p. 16.)
 Members thereof to have each but one vote, except the Chairman, who may have a casting vote besides his own vote. Committee to be subject to the control of the General and other Meetings of Proprietors,—*ib.*, Sec. 26. (p. 17.)
 No person holding Office under the Company, or interested in any contract, to be a Member of the Committee,—*ib.*, Sec. 27. (p. 17.)
 May make calls, not exceeding £5 per share, at intervals of not less than one month, giving three weeks' notice thereof. May manage the affairs of the Company, in the purchase of lands and materials, appointment of under-officers, workmen, &c., and making of contracts,—*ib.*, Sec. 28. (p. 18.)
 In any action brought by the Company, it shall not be necessary to name the Directors, nor to prove their election, nor shall their authority be disputed,—13 & 14 Vic., Cap. 114, Sec. 2. (p. 35.)
 Directors need not be British Subjects,—14 & 15 Vic., Cap. 144, Sec. 7. (p. 55.)

COMPLETION OF WORKS :

- Branch to St. Lawrence, and extension to Rouse's Point, to be completed within six years,—13 & 14 Vic., Cap. 114, Sec. 29. (p. 51.)
 Branch across Ash Island to Province line, to be completed in three years,—14 & 15 Vic., Cap. 144, Sec. 9. (p. 56.)

CROWN :

- May assume possession of the Railroad and property, on giving three months' notice, and paying amount of capital paid up and expended, with 20 per cent. additional, together with the sums borrowed and expended on the Works, and interest on the latter from time of expenditure until the opening of the branch on which the same were expended,—13 & 14 Vic., Cap. 114, Sec. 28. (p. 51.)
 Rights of the Crown and of other parties saved,—2 Wm. 4, Cap. 58, Sec. 50. (p. 27.)—6 Wm. 4, Cap. 9, Sec. 5. (p. 30.)

DAMAGES :

- Applications to the Court for indemnity for damages committed by the Company, to be made within six months after commission of damage; Defendants may plead general issue, and put this Act and the special matter in evidence,—2 Wm. 4, Cap. 58, Sec. 17. (p. 12.)
See Arbitration. Lands.

DEBENTURES :—*See Bonds of the Company.*DEBT OF THE COMPANY :—*See Borrowing Money.*DIRECTORS :—*See Committee of Management.*

DIVIDENDS :

- To be declared (out of the profits, only) at the half yearly Meetings of the Company. Dividends not payable on any share until all calls thereon are paid up,—2 Wm. 4, Cap. 58, Sec. 35. (p. 21.)—*as amended* by 6 Wm. 4, Cap. 6, Sec. 6. (p. 30.)
 Rates of Toll, &c., chargeable by the Company to be regulated by the amount of the dividends for the preceding year,—2 Wm. 4, Cap. 58, Sec. 36. (p. 22.)
 The amount actually expended by the Company on their Railroad, &c., to be deemed the capital (in respect to the limitation of profits) provided it do not exceed the amount of capital, and of loans, authorized by law,—13 & 14 Vic., Cap. 114, Sec. 4. (p. 36.)

EVIDENCE :

- Plan of Railroad, and accompanying book of reference, duly certified, and filed,—or copies thereof certified by the Provincial Secretary or the Prothonotary for District of Montreal, to be received in evidence,—2 Wm. 4, Cap. 58, Sec. 2. (p. 6.)
 Copies of any Deeds, &c., conveying land to the Company, when deposited in the office of the Prothonotary for Montreal, to be good

EVIDENCE—Continued :

- evidence in all Courts,—*Ib.*, Sec. 10. (p. 8.)——Awards of Arbitrators,—Sec. 16. (p. 12.)
- In actions for recovery of Instalments, no evidence necessary beyond a copy of the newspaper containing notice of call, and proof of non-payment thereof by the defendant,—13 & 14 Vic., Cap. 114, Sec. 2. (p. 35.)
- In any action or proceeding by the Company, no evidence shall be required of the election of the Directors, nor shall their authority, or that of their Attorney, be called in question, nor shall it be necessary to name the Directors,—*Ib.*, Sec. 2. (p. 35.)
- Arbitrators may examine witnesses on oath,—which they may administer,—*Ib.*, Sec. 21. (p. 47.)
- See Damages. Oaths.*

EXTENSIONS :

- Branch to some point opposite Montreal,—and extension to Rouse's Point, authorized by 13 & 14 Vic., Cap. 114. (p. 33.)
- Provisions of previous Acts made applicable thereto. Road with extensions, to be called The Champlain and St. Lawrence Railroad,—*Ib.*, Sec. 25. (p. 50.)
- Plans of the above must be deposited within two years, and works completed within six years,—*Ib.*, Sec. 29. (p. 51.)
- Branches and extensions to be subject to any general provisions to be passed relative to Railways,—*Ib.*, Sec. 31. (p. 52.);—also, 14 & 15 Vic., Cap. 144, Sec. 8. (p. 56.)
- Branch from some point on the Railroad to the Richelieu, opposite Ash Island, and across the Island to the eastern branch of the river, and across the same to the Province line in Rouville,—authorized by 14 & 15 Vic., Cap. 144. (p. 52.)
- Piers may be constructed on the western bank of the Richelieu, and of Ash Island, with a vessel for carrying the trains across,—*Ib.*, Sec. 2. (p. 53.) *See Ash Island.*
- Power to borrow £75,000 for the above works,—*Ib.*, Sec. 4. (p. 54.)——This amount merged in a larger sum, for consolidating the debt of the Company,—16 Vic., Cap. 78, Sec. 1. (p. 57.)
- Provisions of former Acts applied to the above branch,—14 & 15 Vic., Cap. 144, Sec. 6. (p. 55.)
- Plans of last mentioned branch, &c., to be deposited within one year, and works to be completed in three years,—*Ib.*, Sec. 9. (p. 56.)

FENCES :

- Company to fence in the lands acquired by them, from adjoining lands,—2 Wm., Cap. 58, Sec. 39. (p. 23.)
- But not obliged to fence off lands adjoining Laprairie Common, unless especially required by the Governor,—4 Vic., Cap. 18, Sec. 4. (p. 33.)

FERRY :

- Power to establish a Ferry across the St. Lawrence,—6 Wm. 4, Cap. 6, Sec. 1. (p. 28.)——Tariff of charges for ferriage,—Sec. 2. (p. 28.)
- Power to use the public wharves at Montreal for the purposes thereof,—*Ib.*, Sec. 3. (p. 30.)
- Right of ferry not exclusive,—*Ib.*, Sec. 5. (p. 30.)
- Authority to establish a Ferry from Montreal to the point on the St. Lawrence where the branch terminates,—13 & 14 Vic., Cap. 114, Sec. 16. (p. 41.)——Tariff of charges for ferriage,—Sec. 17. (p. 42.)

FINES :

- May be imposed (not exceeding 50s.) for a breach of the Rules of the Company,—2 Wm. 4, Cap. 58, Sec. 30. (p. 19.)
- How recoverable,—how applied. Offender may be committed in default of sufficient goods,—*Ib.*, Sec. 43. (p. 24.)——Appeal allowed within four months,—Sec. 44. (p. 25.)
- Upon the Company, for obstructions, &c.,—13 & 14 Vic., Cap. 114, Sections 6 and 11. (pp. 38, 40.)

FORFEITURE OF STOCK :*(Original Shares.)*

Stockholders neglecting to pay Calls, to forfeit five per cent. on their Stock; on neglecting to pay for two months, the whole Stock to be forfeited,—2 Wm. 4, Cap. 58, Sec. 28. (p. 18.)—No advantage to be taken of forfeiture of Shares, unless it be declared at a subsequent General Meeting; and such forfeiture to be an indemnification to proprietor forfeiting, against actions, &c., for breach of contract, &c., with regard to carrying on Railroad,—Sec. 29. (p. 19.)

(Additional Capital.)

Instalments not paid when called for, may be recovered by the Company in any competent Court, with interest thereon, and costs. No evidence necessary beyond copy of newspaper containing notice of call, and proof of non-payment thereof. Provisions of original Act made applicable in all other respects,—13 & 14 Vic., Cap. 114, Sec. 2. (p. 35.)

HIGHWAY, PUBLIC :

Upon crossing any public highway, the ledge of the Railway to be within one inch of the level thereof,—2 Wm. 4, Cap. 58, Sec. 3. (p. 6.);—also, 13 & 14 Vic., Cap. 114, Sec. 8. (p. 39.)

Bridges over a highway (*on original line*) to leave a passage of 15 feet in breadth, by 16 in height; descent not to exceed one foot in 13,—2 Wm. 4, Cap. 58, Sec. 4. (p. 6.)—(*On the Extensions*), passage to be 20 feet by 16 feet, with a descent of one foot in 20,—13 & 14 Vic., Cap. 114, Sec. 9. (p. 39.)

Bridges for carrying a public road over the Railway,—ascent (*on original line*) not to exceed one foot in 13; to be fenced, four feet high,—2 Wm. 4, Cap. 58, Sec. 5. (p. 7.)—(*For the Extensions*), ascent to be one in 20,—13 & 14 Vic., Cap. 114, Sec. 10. (p. 39.)

Line (*extensions*) may not pass along any public road, but merely cross the same. Before obstructing any highway with their works, Company must turn the same so as to leave a clear passage, and afterwards replace the road, under a penalty of £5: the rails not to be deemed obstructions,—13 & 14 Vic., Cap. 114, Sec. 6. (p. 38.)

Sign-boards to be erected at all crossings, under a penalty of £5,—*Ib.*, Sec., 11. (p. 40.)

No land to be taken from any public highway,—*Ib.*, Sec. 14. (p. 40.)

HYPOTHECS :—*See* Mortgages.

INCONSISTENT ENACTMENTS repealed,—13 & 14 Vic., Cap. 114, Sec. 25. (p. 50.) —16 Vic., Cap. 78, Secs. 6, 21. (pp. 59, 65.)

INCREASE OF CAPITAL :—*See* Capital Stock.

INJURIES TO RAILWAY, &c. :—*See* Obstructions.

INTERPRETATION ACT applied,—16 Vic., Cap. 78, Sec. 22. (p. 65.)

INTERSECTION OF ROADS, —*See* Highway, Public. —Of other Railroads,—*See* Railroads (*other lines*).

JURY :—*See* Arbitration.

LANDS :

Power to purchase lands for the use of the Railroad, without H. M's. *Lettres d'Amortissement* (saving the rights of Seigniors), and to sell and replace the same,—2 Wm. 4, Cap. 58, Sec. 1. (p. 4.)

No deviation from the registered plan to be allowed, beyond two arpents, without the written consent of the owners of the lands, &c., affected by such deviation,—*Ib.*, Sec. 7. (p. 7.)—Not to apply to lands improperly described in the book of reference,—Sec. 8. (p. 7.)—No deviation beyond a mile, for the extension, nor any lands not in plan and book to be crossed without consent of owners,—13 & 14 Vic., Cap. 114, Sec. 12. (p. 40.)

Land taken for Railway (*on original line*) not to exceed 20 yards in breadth, except at passing-places, or places where the level is raised or lowered more than five feet; nor to exceed 150 yards in breadth by 200 yards in length, where warehouses or other buildings are to be erected.

LANDS—Continued :

- except by consent of the owners,—2 Wm. 4, Cap. 58, Sec. 9. (p. 8.)—Different limitation for the *branch* and *extension*,—13 & 14 Vic., Cap. 114, Sec. 14. (p. 40.)
- Corporations, guardians, and all other parties empowered to sell and convey to the Company any land required as above ; such contracts, conveyances, &c., to be deposited with the Prothonotary for District of Montreal ; copies thereof to be good evidence in all Courts,—2 Wm. 4, Cap. 58, Sec. 10. (p. 8.)—(Land for the extension),—13 & 14 Vic., Cap. 114, Sec. 18. (p. 43.)
- Parties not having power to sell any such land, shall agree (voluntarily or by a Jury) upon a fixed rent therefor, chargeable on the Railroad and the tolls therefrom,—2 Wm. 4, Cap. 58, Sec. 11. (p. 9.)—*As to extensions*, by Arbitration if not voluntarily,—13 & 14 Vic., Cap. 114, Sec. 19. (p. 44.)
- The plan and book (as above) having been deposited, Company may agree with the owners of lands touching the compensation for purchase or damages ; any disagreement may be settled by arbitration. If the owners, &c., of such land are unable or unwilling to appoint arbitrators, the Court of King's Bench (now, the *Superior Court*) for Montreal may, at the instance of the Company, summon a Jury to determine the amount of compensation, and the Court shall give judgment accordingly,—2 Wm. 4, Cap. 58, Sec. 12. (p. 9.)—(*For mode of proceeding*, see Arbitration, *original line of road*.)
- Company may take possession of land required as above, upon payment or tender of amount of compensation agreed upon or awarded,—*Ib.*, Sec. 15. (p. 11.)
- Conveyances of property to be fyled with the Prothonotary for Montreal, upon payment of purchase money or rent,—and property thereupon to be vested in the Company. Conveyances, &c., so fyled (or copies thereof) to be good evidence in all Courts ; to be open to inspection, &c.,—*Ib.*, Sec. 16. (p. 12.)
- Company may appropriate portions of the beds of the Richelieu and the St. Lawrence necessary for their works, but not within a certain distance of the Richelieu bridge, without leave of the Chambly Canal Commissioners,—*Ib.*, Sec. 46. (p. 25.)
- Lands acquired by the Company must be fenced from adjoining lands,—*Ib.*, Sec. 39, (p. 23.) —Lands adjoining Laprairie Common need not be fenced, unless specially required by the Governor,—4 Vic., Cap. 18, Sec. 4. (p. 33.)
- No land to be taken from any public highway,—13 & 14 Vic., Cap. 114, Sec. 14. (p. 41.)
- Beach and water lots on the St. Lawrence, the Richelieu, and Lake Champlain, may be occupied (but not alienated) when necessary for wharves and other works, by the permission of the Governor, (not being Ordnance property),—*Ib.*, Sec. 15. (p. 41.)—Beach, &c., of Ash Island, &c., may be taken, but no Ordnance property without consent of the Officers of that Department,—14 & 15 Vic. c. 144, sec. 3. (p. 54.)
- In the case of land owned by more than one party, an agreement made between the Company and any party being a proprietor of one-third thereof, to be binding,—13 & 14 Vic. c. 114, Sec. 20. (p. 44.)
- On depositing the plan and extension, Company may agree with the owners of the land required by them touching compensation. Mode of settling disagreements as to amount of compensation,—*Ib.*, Sec. 23. (p. 44.)
- Deposit of Plan to be a notice of lands required. Company to serve a notice containing a description of such lands, amount of compensation tendered (with a Surveyor's certificate,) and name of arbitrator in case of disagreement,—*Ib.*, Sec. 21. (p. 45.)—*See* Arbitration.
- On payment of sum awarded, Company may take possession. Warrant may issue in case of resistance : or warrant may issue after notice of appointment of Company's Arbitrator, on an affidavit from their Engineer that immediate possession is necessary.—*Ib.*, Sec. 22. (p. 48.)
- Claims or hypothecs upon lands so purchased to be converted into claims upon the purchase money. Provision for payment of purchase money

LANDS—Continued :

and securing title when the party is absent or refuses to execute a conveyance, or when encumbrances on the property exist,—*Id.*, Sec. 23. (p. 49.)

Rights of the Company and of other parties in regard to lands, &c., (when this Act has not been complied with) to be governed by the ordinary rules of law,—*Id.*, Sec. 24. (p. 50.)

Power to enter upon lands adjoining the Railway, and to fell trees to the distance of 6 rods on either side, making compensation for damages,—16 Vic. Cap. 73, Sec. 14. (p. 62.)

LEASING THE RAILROAD, &c. :

Company may lease their Road, Carriages, &c., to any other Railroad Company, or may lease those of any other Company. Carriages, &c. coming into the Province under such agreement, to pass as the carriages of travellers,—16 Vic. Cap. 73, Sec. 16. (p. 63.)

LINE OF RAILWAY :

(*Original line*)—From St. John's, at some point within half a mile of the lower extremity of the Port thereof, in a direct line to the St. Lawrence, at some point between Laprairie and the upper end of St. Helens's Island,—2 W. 4, Cap. 58, Sec. 1. (p. 4.)

Survey of above line to be made, and a plan thereof, with an explanatory book of reference, to be made and filed in triplicate,—*Id.*, Sec. 2. (p. 6.) See Plans.

Line laid down in such plan and book not to be deviated from beyond 2 arpents, without the written consent of the owners of the lands which such deviations would affect,—*Id.*, Sec. 7. (p. 7.)—Not to apply to lands erroneously described in the book of reference,—Sec. 8. (p. 7.)

(*Branch*) Power to construct a branch to some point opposite Montreal, and to continue the Railroad from St. John's to Rouse's Point,—13 & 14 Vic. Cap. 114, Sec. 1. (p. 34.)

Branch and extension not to be carried along any highway, but only to cross the same,—*Id.*, Sec. 6. (p. 38.)

Line of branch or extension not to deviate more than a mile from the plan, nor to cross any lands not described therein without consent of the owners,—*Id.*, Sec. 12. (p. 40.)

May cross any lands within a mile thereof, though the same may have been omitted or erroneously described in the plan,—*Id.*, Sec. 13. (p. 40.)

Branch and extension must be completed within 6 years,—*Id.*, Sec. 29. (p. 51.)

Branch from the present road, across Ash Island and the eastern branch of the Richelieu, to the Province Line in Rouville, authorized by 14 & 15 Vic. Cap. 144. (p. 52.)—Provisions of former Acts applied thereto,—Sec. 6. (p. 55.)

LOANS :—See Borrowing Money.**MAIL :**

To be carried on the Railway, on such terms as may be agreed on. Further enactments relative thereto may be made,—13 & 14 Vic. Cap. 114, Sec. 27. (p. 50.)

MEETINGS OF SHAREHOLDERS :

Chairman to be appointed at each Meeting of Shareholders, who shall have a casting vote besides his votes as proprietor,—2 W. 4, Cap. 58, Sec. 23. (p. 16.)

Provision for holding semi-annual General Meetings for election of Directors,—*Id.*, Sec. 25. (p. 16.)

Provision for calling Special Meetings on giving 15 days' notice ; all acts done thereat to be valid if consented to by persons holding not less than 250 shares. Special Meetings may be called for the purpose of filling vacancies,—*Id.*, Sec. 25. (p. 17.)

General Meetings to have power to audit the accounts (adjourning from time to time and place to place therefor), and to make calls and direct the affairs of the Company,—*Id.*, Sec. 28. (p. 18.)

MEETINGS OF SHAREHOLDERS—*Continued* :

General Meetings may remove Officers or Members of Committee, and may fill vacancies; may revoke or alter the Rules (except as to the calling of General Meetings, and the manner of voting, and of appointing Committees); may make Rules to regulate the travel on their road, and to impose fines for a breach of such Rules. The Rules to be published and placarded,—*ib.*, Sec. 30. (p. 19.)

Dividends to be declared at semi-annual meetings of the Company,—*ib.* Sec. 35. (p. 21.), *as amended* by 4 Vic. Cap. 18, Sec. 3. (p. 32.)

MILE-STONES :

To be erected and maintained along the line,—2 W. 4, Cap. 58, Sec. 40, (p. 23.)—On the extensions also,—13 & 14 Vic. Cap. 114, Sec. 25. (p. 59.)—and 14 & 15 Vic. Cap. 144, Sec. 6. (p. 55.)

MONTREAL AND PROVINCE LINE JUNCTION RAILWAY COMPANY :

Act incorporating the same repealed, and the powers granted to this Company,—13 & 14 Vic. Cap. 114, Sec. 1. (p. 34.)

MONTREAL HARBOUR :

Power to use the wharves in Montreal Harbour for the purposes of the Ferry,—6 W. 4, Cap. 6, Sec. 3. (p. 30.)

MORTGAGES :

Rent payable for any land taken by the Company, to be chargeable on the Railroad and Tolls in preference to all other claims,—2 W. 4, Cap. 58, Sec. 11. (p. 9.)—also, 13 & 14 Vic. Cap. 114, Sec. 19. (p. 44.)—14 & 15 Vic. Cap. 144, Sec. 6. (p. 55.)

Company may borrow £75,000 for the extension of the road, and pledge their property therefor.—13 & 14 Vic. Cap. 114, Sec. 3. (p. 36.)—

A further sum of £75,000 Currency,—14 & 15 Vic. Cap. 144, Sec. 4. (p. 54.)—£175,000 Sterling (including the sums above mentioned), to consolidate their debt,—16 Vic. Cap. 78, Sec. 1. (p. 57.)

Claims, hypothecs, &c., on property acquired by the Company, to become claims on the purchase money. Provision in case the Company should fear incumbrances,—13 & 14 Vic. Cap. 114, Sec. 23. (p. 49.)

All Debentures bearing mortgage, issued under 16 Vic. Cap. 78, to rank concurrently and by equal privilege on the property of the Company,—16 Vic. Cap. 78, Sec. 4. (p. 59.)

See Bonds of the Company.

NAME OF THE RAILROAD :

2 W. 4, Cap. 58, Sec. 1. (p. 4.)—Including the extensions,—13 & 14 Vic. Cap. 114, Sec. 25. (p. 50.)—14 & 15 Vic. Cap. 144, Sec. 6. (p. 55.)

OATHS :

Arbitrators may examine witnesses on oath, which they may administer,—13 & 14 Vic. Cap. 114, Sec. 21. (p. 47.)

On the production of a Debenture, for registry of the cancellation thereof, the Registrar shall register the same, upon proof of cancellation on the oath of one credible witness, which oath he may administer,—16 Vic. Cap. 78, Sec. 10. (p. 61.)

OBSTRUCTIONS OR INJURIES :

Persons causing obstructions on the Railroad to be subject to a penalty of from £5 to £10,—2 W. 4, Cap. 58, Sec. 18. (p. 13.)

Malicious injuries to the Railroad, buildings, machinery, &c., to be deemed felony,—*ib.*, Sec. 19. (p. 13.)

Persons removing or injuring the Rail or Track, or placing obstructions thereon, to be guilty of felony, punishable by 1 year's imprisonment, with hard labour; or if any injury result therefrom to person or property, 2 years additional,—16 Vic. Cap. 78, Sec. 18. (p. 64.)—If loss of life ensue the offender to be indicted for manslaughter,—Sec. 19. (p. 65.)—Injuries to buildings, &c., to be deemed a misdemeanor, punishable by one year's imprisonment with hard labor,—Sec. 20. (p. 65.)

OBSTRUCTIONS OF INJURIES—Continued :

Company before obstructing any highway with their works, to turn the same so as to leave a good passage, free from obstructions : the rails not to be deemed obstructions,—13 & 14 Vic. Cap. 114, Sec. 6. (p. 38.)

OFFICERS :

Treasurer and Clerk to be British subjects,—2 W. 4, Cap. 58, Sec. 24, *as amended.* (p. 16.)—Directors need not be such,—14 & 15 Vic. Cap. 144, Sec. 7. (p. 55.)

May be removed at a General Meeting, and others appointed to fill any vacancy,—2 W. 4, Cap. 58, Sec. 30. (p. 19.)

Company may appoint one or more Treasurers and Clerks, and require them to furnish security. Clerk to keep a record of the Shareholders and of all the proceedings of the Company,—*ib.*, Sec. 33. (p. 20.)

Treasurer or Committee to keep accounts of the receipts and expenditure, and to make up the same annually,—*ib.*, Sec. 35. (p. 21.)—Time to which they are to be made up, to be settled by the Company,—4 Vic. Cap. 18, Sec. 2. (p. 32.)

Company to require security from their Treasurer, Receiver and Collector,—2 W. 4, Cap. 58, Sec. 41. (p. 23.)

ORDNANCE PROPERTY :

Land vested in the Principal Officers of Her Majesty's Ordnance, not to be taken without their consent,—13 & 14 Vic. Cap. 114, Sec. 15. (p. 41.)—14 & 15 Vic. Cap. 144, Sec. 3. (p. 54.)

PLANS :

Survey of line to be made, with a plan of the Railroad, and of the lands through which it passes, and a book of reference for describing such lands and explaining the plan ; such plan and book to be made in triplicate, certified by the Surveyor General, and deposited in the Offices of the Company, of the Prothonotary of Montreal, and of the Provincial Secretary ; the same to be open to inspection,—2 W. 4, Cap. 58, Sec. 2. (p. 6.)

Plan and book certified as above, or copies thereof certified by the Provincial Secretary or the Prothonotary for Montreal, to be good evidence in Court,—*ib.*, (p. 6.)

Line not to deviate from such plan more than 2 arpents, without written consent of owners of the property affected by such deviation,—*ib.*, Sec. 7. (p. 7.)—Not to apply to lands erroneously described in the book of reference,—Sec. 8. (p. 7.)

Survey, levels and plans of the branch and extension to be made and filed in triplicate, as above, together with a book of reference,—13 & 14 Vic. Cap. 114, Sec. 7. (p. 38.)

Line of branch or extension not to deviate more than a mile from such plan, nor to cross any lands not specified therein, without consent of the owners,—*ib.* Sec. 12. (p. 40.)—May cross any lands within such distance, though the same may have been omitted, or erroneously described in the plan,—Sec. 13. (p. 40.)

POLICE :

To be conveyed on the road, when required, on such terms as may be agreed on. Further enactments on the subject may be made at any time,—13 & 14 Vic., Cap. 114, Sec. 27. (p. 50.)

POWERS OF COMPANY :

To have perpetual succession,—a Common Seal,—to sue and be sued,—to purchase lands for the Railroad, and to sell and re-purchase the same,—to construct a Railroad from St. John's to the St. Lawrence, between Laprairie and the head of St. Helen's Island,—to enter upon lands for that purpose, and to carry away earth, trees, stone, &c., necessary for their works,—to erect and repair warehouses and all necessary works and machinery,—making compensation for lands, materials or water courses, taken, injured or diverted. This Act to be sufficient indemnity for so doing,—2 Wm. 4, Cap. 58, Sec. 1. (p. 4.)
—Like powers for construction of branch and extensions,—13 &

POWERS OF COMPANY—Continued:

- 14 Vic., Cap. 114, Sec. 5. (p. 37.);—also, 14 & 15 Vic., Cap. 144, Sec. 6. (p. 55.)
- To appoint one or more Treasurers and Clerks,—2 Wm. 4, Cap. 58, Sec. 33. (p. 20.)
- To demand and recover certain rates for transporting passengers and goods,—*ib.*, Sec. 34. (p. 21.)
- To establish a Ferry across the St. Lawrence,—6 Wm. 4, Cap. 6, Sec. 1. (p. 27.)—Right of ferry not exclusive,—Sec. 5. (p. 30.)
- To construct a branch to some point opposite Montreal, and to continue the Railroad from St. John's to Rouse's Point,—13 & 14 Vic., Cap. 114, Sec. 1. (p. 34.)
- To construct a branch from the present road, across Ash Island, to the Province line in Rouville, with piers, and a viaduct, &c., at Ash Island,—14 & 15 Vic., Cap. 144. (p. 52.)—See Ash Island.
- To borrow money,—See Borrowing money.
- To issue Bonds or Debentures,—See Bonds.
- To increase their Capital Stock by £225,000,—16 Vic., Cap. 78, Sec. 9. (p. 60.)
- To become parties to Promissory Notes or Bills of Exchange. Provisions relative thereto,—*ib.*, Sec. 12. (p. 62.)
- To purchase the Stock of other Railroad, Steamboat, or Bridge Companies, after a Resolution shall have been adopted at a Special General Meeting,—*ib.*, Sec. 13. (p. 62.)
- To fell trees standing in the woods to the distance of six rods on either side of the Railway,—*ib.*, Sec. 14. (p. 62.)
- To unite with, or intersect, any other Railway,—*ib.*, Sec. 15. (p. 63.)
- To lease their road, carriages, &c., to any other Railway Company, or to hire or lease those of any other Company,—*ib.*, Sec. 16. (p. 63.)
- See also Meetings of Shareholders.

PROMISSORY NOTES :

- Company may become parties to Promissory Notes or Bills of Exchange. Provisions relative thereto. Notes not to be payable to bearer, but to be transferable by indorsement,—16 Vic., Cap. 78, Sec. 12. (p. 62.)

PROXIES :

- Form of Proxy for voting on shares,—2 Wm. 4, Cap. 58, Sec. 23. (p. 16.)
- Any number of proxies may be held by one person,—16 Vic., Cap. 78, Sec. 6. (p. 59.)

PUBLIC ACTS :

- Company's Acts of incorporation declared Public Acts,—2 Wm. 4, Cap. 58, Sec. 51. (p. 27.)—6 Wm. 4, Cap. 6, Sec. 7. (p. 31.)—4 Vic., Cap. 18, Sec. 5. (p. 33.)—13 & 14 Vic., Cap. 114, Sec. 32. (p. 52.)—14 & 15 Vic., Cap. 144, Sec. 10. (p. 56.)—16 Vic., Cap. 78, Sec. 22. (p. 65.)

RAILROAD :

- May be assumed by the Crown, on giving 3 month's notice and paying amount of capital paid up and expended, and 20 per cent additional, together with the sums borrowed and expended on the works, and interest on the latter from time of expenditure until the opening of the branch on which the same were expended,—13 & 14 Vic. Cap. 114, Sec. 28. (p. 51.)
- See Line of Railway.

RAILROADS (OTHER LINES) :

- Power to purchase stock in any other Railroad, &c., after a Resolution to that effect at a Special General Meeting,—16 Vic. Cap. 78, Sec. 13. (p. 62.)
- May join or intersect any other Railroad, and unite with the owners thereof in granting facilities for the connexion; any disagreement to be settled by arbitrators appointed by a Judge of the Superior Court,—*ib.*, Sec. 15. (p. 63.)

RAILROADS (OTHER LINES)—*Continued* :

May lease their road or carriages, &c. to any other Railway Company, and may hire or lease those of any other Company. Foreign carriages, &c. coming into the Province under any such lease, to be considered as the carriages of travellers,—*Id.*, Sec. 16. (p. 63.)

REAL ESTATE :—*See* Lands.

REGISTRATION OF DEBENTURES :—*See* Bonds.

RENT :

An annual rent may be paid by the Company for any lands owned by parties who cannot sell the same. The Railroad and Tolls chargeable therefor, in preference to all other claims,—2 W. 4, Cap. 58, Sec. 11. (p. 9.) ;—also, 13 & 14 Vic., Cap. 114, Sec. 19. (p. 44.)—14 & 15 Vic. Cap. 144, Sec. 6. (p. 55.)

RESOLUTIONS :—*See* By-Laws.

RICHELIEU, RIVER :

Power to occupy such beach and water lots on that River (except Ordnance property,) as may be necessary for the works,—2 W. 4, Cap. 58, Sec. 46. (p. 25.)—On obtaining the permission of the Governor,—14 & 15 Vic. Cap. 144, Sec. 3. (p. 54.)—*See* Ash Island.

RIGHTS OF THE CROWN, &c. :—*See* Crown.

ROADS, CROSSING OF :—*See* Highway.

RULES :

May be made (or amended) at a General Meeting for the good government of the Company and of persons travelling on the Railroad, &c. ; fines may be imposed (not exceeding 50s.) for breaches thereof. Rules to be published, and to be affixed in the Office of the Company, and at every place of collecting tolls,—2 W. 4, Cap. 58, Sec. 30. (p. 19.)
See also By-laws.

ST. LAWRENCE, RIVER :

Power to appropriate such portion of the bed of the St. Lawrence as may be necessary for the works (on original line),—2 W. 4, Cap. 58, Sec. 46. (p. 25.)

Power to occupy (but not alienate) such portion of the same as may be required for the works in connexion with the branch, with the permission of the Governor,—13 & 14 Vic. Cap. 114, Sec. 15. (p. 41.)

SECURITY :—*See* Officers.

SEIZURE OF GOODS (for non-payment of tolls),—*See* Tolls.

SIGN-BOARDS :

To be erected at every crossing, under a penalty of £5,—13 & 14 Vic. Cap. 114, Sec. 11. (p. 40.)

STOCK OF OTHER COMPANIES :

Company may purchase the Stock of other Railway, Steamboat, or Bridge Companies, after a Resolution to that effect shall have been adopted at a Special General Meeting of Shareholders,—16 Vic., Cap. 79, Sec. 13. (p. 62.)

SUBSCRIPTIONS :

Moneys subscribed towards carrying into execution the Act of incorporation, may be recovered by law,—2 Wm. 4, Cap. 58, Sec. 42. (p. 24.)

TELEGRAPH :

Provision may be made by the Legislature relative to the use of any electric telegraph in connexion with the Railway,—13 & 14 Vic., Cap. 114, Sec. 27. (p. 51.)

TOLLS :

Rates to be demanded by the Company for conveyance of passengers and goods. The same may be recovered in any competent Court, and goods may be detained for non-payment thereof. Rates may be

TOLLS—Continued :

altered at a General Meeting, so as not to exceed the amount limited by this section,—2 Wm. 4, Cap. 58, Sec. 34. (p. 21.)

Rates of Toll to be regulated according to amount of dividends,—*lb.*, Sec. 36. (p. 22.)

Fractions in distance and weight, how chargeable,—*lb.*, Sec. 37. (p. 22.)

Rates for conveyance of parcels of 120 lbs. and under, may be regulated at General Meetings : to be posted up at each toll-house,—*lb.*, Sec. 38. (p. 23.)

Proportionate rates to be allowed upon the road after the extensions,—13 & 14 Vic., Cap. 114, Sec. 26. (p. 50.)—14 & 15 Vic., Cap. 144, Sec. 5. (p. 51.)

Tariff of charges for ferriage across the St. Lawrence, (with power to sue for and recover the same),—6 Wm. 4, Cap. 6, Sec. 2. (p. 28.)—
Tariff for the ferry between Montreal and the branch on the St. Lawrence,—13 & 14 Vic. Cap. 114, Sec. 17. (p. 42.)

By-laws regulating Tolls on the Railroad to be submitted for the sanction of the Governor. The same tolls to be payable under the same circumstances, so that no undue privilege may be afforded to any persons,—13 & 14 Vic., Cap. 114, Sec. 30. (p. 52.) ;—also, 14 & 15 Vic., Cap. 144, Sec. 5. (p. 51.)

No tolls to be levied until approved by the Governor in Council, and published two weeks in the Canada Gazette. To be subject to subsequent revisions by the Governor,—14 & 15 Vic., Cap. 144, Sec. 5. (p. 55.)

Tolls to be regulated by By-laws, approved or revised as above, and to be collected for all passengers and goods transported on the Railroad or in the steam vessels,—16 Vic., Cap. 78, Sec. 17. (p. 63.)

Provision for recovery of tolls, and for the seizure and sale of goods for default of payment,—16 Vic., Cap. 78, Sec. 17. (p. 63.)

TREASURER :—See Officers.

TREES, FELLING OF :

Power to enter upon lands and fell trees standing in the woods, to the distance of six rods from either side of the Railroad,—16 Vic., Cap. 78, Sec. 14. (p. 62.)

TROOPS :

H. M. Naval or Military Forces or Militia, Artillery, &c., and Police Force to be at all times conveyed on the road on such terms as may be agreed upon. Further enactments relative thereto may be made,—13 & 14 Vic., Cap. 114, Sec. 27. (p. 50.)

UNION WITH OTHER LINES :—See Railroads (other lines).

VACANCIES :

May be filled (among Officers or Committee) at a General Meeting,—2 Wm. 4, Cap. 58, Sec. 30. (p. 19.)

VOTING :

Votes (at General Meetings) may be given by proxy. Form of proxy. Chairman to have a second or casting vote,—2 Wm. 4, Cap. 58, Sec. 23, *as amended.* (p. 16.)

Mode of voting may not be altered by the Company,—*lb.*, Sec. 30. (p. 19.)

Each share to entitle holder to a vote. Any number of proxies may be held by one person,—16 Vic., Cap. 78, Sec. 6. (p. 59.)

WARRANT OF POSSESSION :—See Lands.

WHARVES :

Power to use the public wharves at Montreal, for the purposes of the ferry,—6 Wm. 4, Cap. 6, Sec. 3. (p. 30.)