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~~NO. 1000~~
(PRIVATE BILL.)

1st Session, 4th Parliament, 16 Victoria, 1853.

B I L L .

**An Act to incorporate the *Vaudreuil
and Bytown Railway Company.***

Received and Read a first time, Monday, 14th
March, 1853.

Second Reading, Thursday, 17th March, 1853.

MR. MONGENAIS.

QUEBEC :

PRINTED BY JOHN LOVELL, MOUNTAIN STREET.

915.

1852-3.]

BILL.

[No. ~~27~~. 351

An Act to incorporate *The Vaudreuil and Bytown Railway Company.*

WHEREAS it is expedient to incorporate a Company to construct a Railway from some point in the County of Vaudreuil, on the line of the Grand Trunk Railway from Montreal to Toronto, to Bytown; Be it therefore enacted, &c.,

Preamble.

5 That the Honorable Robert W. Harwood, Donald McMillan, Jean Baptiste Mongenais, M. P., Henri Cartier, Stephen Fournier, A. G. Charlebois, Donald McDonald, J. A. Mathieson, P. F. C. DeLesDerniers, B. W. Shepherd, H. F. Charlebois, François Xavier Desjardins, Flavien V. Desjardins, A. C. Cholet, G. O. Bastien, Archibald McBean, John Duffy, André Seguin, and H. Hudon, or any of them, together with all such persons as shall become Shareholders of any share or shares in the undertaking hereinafter mentioned and authorized to be carried on, shall be, and are hereby ordained, constituted and declared to be a body corporate and politic in fact, and by the name of "*The Vaudreuil and Bytown Railway Company.*"

Certain persons incorporated.

Corporate name.

II. And be it enacted, That the several Clauses of the "Railway Clauses Consolidation Act," with respect to the first, second third and fourth Clauses thereof, and also the several Clauses of the said Act, with with respect to "Interpretation," "Incorporation," "Powers," "Plans and Surveys," "Lands and their valuation," "Highways and Bridges," "Fences," "Tolls," "General Meetings," "Directors, their election and duties," "Shareholders," "Shares and their transfer," "Municipalities," "Actions for Indemnity, and Fines and Penalties, and their prosecution," "Working of the Railway," and "General provisions," shall be incorporated with this Act, save in so far as they are expressly varied by any clause or provision hereinafter contained; subject always to the following modification of the ninth sub-section of the Clause of the said Railway Clauses Consolidation Act, headed "plans and surveys," that is to say, that lands to the extent of twenty acres, may be taken by the said Company without the consent of the owner thereof, but subject to the provisions of the said Act in that behalf, for Stations, Depots, or other works in any City or Town.

Certain clauses of 14 and 15 V. c. 51, incorporated with this Act.

Modification.

Line of Rail-
way.

III. And be it enacted, That the said Company and their agents, servants and workmen, are hereby authorized and empowered to lay out and construct, make and finish a double or single iron or wooden Railway, in a line from Vaudreuil aforesaid to Bytown, or to Kemptville, or to any intermediate place, as the Company 5 may deem most advantageous, or if the said Company should deem expedient, to construct a junction branch from Vaudreuil, uniting with any other Railway already constructed, or which may hereafter be constructed in the direction of Bytown, and the said Company shall also have power to construct any Branch roads not 10 exceeding ten miles in length, under the conditions hereby established for the said Main line.

Branches.

Bridges.

IV. And be it enacted, That the said Company shall have the power to erect and construct such bridges as they may require for the purposes of their said Railway, over any part of any River 15 as they may deem necessary, with the right, if they think proper, to adapt the said bridges to the passage of horses; vehicles and passengers, subject to the clauses, conditions and stipulations of the "Railway Clauses Consolidation Act:" And in case such bridges be used by the Public as toll bridges, the rates and tolls 20 shall be fixed by the Governor in Council: Provided always, that the said Company shall not commence the construction of any bridge until they shall have submitted the plans thereof and of all works thereunto relating to the Governor in Council, nor until such plans shall have been approved by him. 25

Proviso.

Penalty for
injuring
works of the
Company.

V. And be it enacted, That if any person or persons shall wilfully, maliciously or to the prejudice of the said Company, break down, damage or destroy any works, machine or device to be erected or made by virtue of this Act, or do any other wilful act, hurt or mischief, to disturb or prevent the carrying into exe- 30 cution, or completing, supporting or maintaining the said Railway or works hereinbefore referred to, every such person or persons offending shall forfeit and pay to the said Company the value of the damages proved by the oath of one or more credible witness or witnesses, such damages, together with the costs of suit in that 35 behalf incurred, to be recovered by action in any Court of Law in this Province, having jurisdiction competent to the same, and in case of default of payment, such offender or offenders may be committed to the Common Gaol for any time not exceeding three months, at the discretion of the Court before which such offenders 40 shall be convicted.

Power to take
lands, &c.

VI. And be it enacted, That it shall and may be lawful for the said Company to take and appropriate for the use of the said Railway, but not to alienate, so much of the wild lands of the

Crown, not heretofore granted or sold, lying on the route of the said Railway, as may be necessary for the said Road; as also, so much of the land covered with the waters of any river, stream, lake or canal, 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 Company shall seem meet: Provided always, that it shall not be lawful for the said Company to cause any obstruction in or to impede the free navigation of any river, stream or canal to or across which their Railway shall be carried: And if the said Railway shall be carried across any navigable river or canal, the said Company shall leave such openings between the piers of their bridge or viaduct over the same, and shall construct such draw-bridge or swing-bridge over the channel of the river or canal, and shall be subject to such regulations with regard to the opening of such draw-bridge or swing-bridge, for the passage of vessels and rafts, as the Governor in Council shall direct and make from time to time; nor shall it be lawful for the said Company to construct any wharf, bridge, pier or other work upon the public beach or bed of any navigable river or stream, or upon the lands covered with the waters thereof, until they shall have submitted the plan of such work to the Governor in Council, nor until the same shall have been approved by him in Council as aforesaid.

Proviso; as to rivers and navigable waters.

VII. And be it enacted, That all Deeds and Conveyances for lands to be conveyed to the said Company for the purposes of this Act, shall and may, as far as the title to the said lands or the circumstances of the party making such conveyance will admit, be made in the form given in the Schedule of this Act marked A: And for the purpose of a due enregistration of the same, all Registrars in their respective Counties are hereby required to be furnished by and at the expense of the said Company, with a Book with copies of the form given in said Schedule A. one to be printed on each page, leaving the necessary blanks to suit the separate cases of conveyance, and in such Book to enter and register the said Deeds upon production thereof, and proof of execution, without any memorial, and to minute such entry on the Deed: And the said Company are to pay the said Registrars for so doing, the sum of one shilling and three pence, and no more, which said enregistration shall be held and deemed to be valid in law; the provisions of any Act for the enregistration of Deeds now in force in this Province to the contrary notwithstanding.

Deeds to Company.

Registration.

Fees.

VIII. And be it enacted, That the Capital Stock of the said Company shall not exceed in the whole the sum of five hundred thousand pounds currency, to be divided into twenty thousand

Capital Stock.

Shares.

Shares of twenty-five pounds currency each, which amount shall be raised by the persons and Corporations who may become Shareholders in such stock, and the said money so raised shall be applied, in the first place, towards the payment and discharge of all fees, expenses and disbursements for procuring the passage of this Act, and for making the surveys, plans and estimates connected with the Railway, and all the rest and remainder of such money shall be applied towards making, completing and maintaining the said Railway and other purposes of this Act, and to no

Proviso.

other purpose whatever; Provided always, that until the said preliminary expenses connected with the said Railway shall be paid out of the Capital Stock thereof, it shall be lawful for the Municipality of any County, City or Town on the line of the said Railway, to pay out of the general funds of such Municipality, their fair proportion of such preliminary expenses, which sum shall be refunded to such Municipality from the stock of the said Company, or be allowed to them in payment of stock.

Form of Debentures.

IX. And be it enacted, That in the borrowing of monies, by way of loan, the Debentures of the said Company shall and may be in the form contained in the Schedule B annexed to this Act, or in any other convenient form similar thereto, and need not be before Notaries, and shall have the effect of creating a mortgage or hypothec upon the said Railway and the lands and property thereof; 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 of Vaudreuil, which said registration for the purposes of this Act, and of the loan to be made in virtue thereof, shall be held and deemed to be a special registration of the said Railway and of all the lands and property thereof, in each County or locality through which such Railway may pass or lie, shall perfect the mortgage and hypothec created by such Debenture as regards all parties whatsoever, and the Debenture and mortgage and hypothec 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 B 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.

Registration of Debentures carrying hypothec.

Entry of cancellation of Debentures in Registry

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 hypothec, 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 Directors 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 fee of 1s. 3d. in 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.

XI. And to facilitate the registration of the Debentures of the said Company and the cancellation thereof, be it enacted, That the said Company shall at their own expense, deposit in the said Registry Office, wherein such their Debentures are hereby required 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 and his Deputy shall be bound to receive and retrain 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 receiving for the registration of each such Debenture a fee of one shilling and three pence and no more; any Ordinance or Law to the contrary notwithstanding.

XII. And be it enacted, That the said Honorable Robert U. Harwood, Jean B. Mongenais, Donald McMillan, Stephen Fournier, Henri Cartier, François X. Desjardins, P. F. C. DeLesDerniers, A. G. Charlebois, Archibald McBean and Donald McDonald, shall be and are hereby constituted and appointed the first Directors of the said Company, and shall hold their office until others shall under the provisions of this Act be elected by the Shareholders, and shall until that time constitute the Board of Directors of the said Company, with power to open Stock Books and make a call on the shares subscribed in such Books, and call a meeting of Subscribers for the election of Directors in the manner hereinafter provided, and to lay out the Railway, with all such other powers as by the said "Railway Clauses Consolidation Act" are conferred upon the Directors elected under the said Act or named by this Act.

First General Meeting.

XIII. And be it enacted, That when and so soon as one-fifth of the said Capital Stock shall have been subscribed, it shall be lawful for the said Directors, or a majority of them, to call a Meeting of the holders of such shares, at such place and time as they shall think proper, giving at least fifteen days' public notice of the same in one or more newspapers published in the City of Montreal, and in the Town of Bytown, at which said General Meeting, and at the Annual General Meeting in the following sections mentioned the private Shareholders present either in person or by proxy, shall elect eight Directors, in the manner hereinafter mentioned, and one Director shall be chosen by each Municipal Corporation being Shareholders to the amount of five thousand pounds currency, which said Director shall be the Mayor or Warden or Reeve, being the Head of such Municipality, or such other person as each such Municipality may by By-law appoint specially for that purpose: the fourth sub-Section of the eighteenth Section of the said general "Railway Clauses Consolidation Act" in this respect being hereby superseded: and which said Directors shall hold office until the first Monday in March following.

Election of Directors.

A Municipal Corporation having £5,000 Stock may elect a Director.

Annual General Meeting for election of Directors.

XIV. And be it enacted, That on the said first Monday in March, and on the first Monday in March in each year thereafter, or on such other day and at such place as shall be appointed by any By-law, there shall be chosen by the private Shareholders eight Directors, in manner hereinafter mentioned; and public notice of such Annual Election shall be published one month before the day of election, in the *Canada Gazette*, and also once at least, fifteen days before the election, in one newspaper in each City or Town or County on the line of the Railway, and all elections for such Directors shall be by ballot, and the persons who have the greatest number of votes at any election shall be the Directors, and if it shall happen that any two or more shall have an equal number of votes, the private Shareholders shall determine the election by another or other votes, until a choice is made; and if any vacancy shall at any time happen among the said eight Directors by death, resignation or otherwise, such vacancy shall be filled for the remainder of the year by a majority of the Directors, and that the said eight Directors, together with the Representatives of the Municipal Corporations subscribing as aforesaid, shall form the Board of Directors.

Ballot.

Vacancies how filled.

Quorum of Directors.

XV. And be it enacted, That three of the said Directors shall form a *Quorum* for the transaction of business: Provided that the said Directors may employ one or more of their said number as paid Director or Directors.

Paid Directors.

Qualification of Directors.

XVI. And be it enacted, That the persons qualified to be elected Directors of the said Company under this Act, shall be any

Shareholder holding at least six shares in the stock of the said Company, who shall have paid up all calls on such shares.

XVII. And be it enacted, That the stock to be subscribed for by Municipal Corporations, shall be represented by the Mayor, Warden or Reeve from time to time being of such Municipal Corporations subscribing to *The Vaudreuil and Bytown Railway Company*, or by such persons as shall be appointed as hereinbefore provided by such Municipal Corporations respectively; and such Mayor, Warden or Reeve, or persons deputed as aforesaid, shall be entitled to a number of votes equal to the number of shares held by the Municipal Corporation to the same extent as private Shareholders.

Stock of Municipal Corporations how represented.

XVIII. And be it enacted, That each Shareholder shall be entitled to a number of votes equal to the number of shares which he or they shall have had in his or their name at least two weeks prior to the time of voting; Provided always, that no Municipal Corporation shall vote or be entitled to vote at any election of the eight Directors to be chosen by the private Shareholders: And provided further, that no party or parties shall be entitled to vote at the meetings of Shareholders who shall not have paid up all the calls due upon his, her or their stock, or the stock upon which such party claims to vote, at least eighteen hours before the hour appointed for any such meeting.

Proportion of votes to Shares.

Proviso.

Proviso.

XIX. And be it enacted, That it shall and may be lawful for the Directors at any time to call upon the Shareholders for such instalments upon each share which they or any of them may hold in the Capital Stock of the said Company, in such proportions as they may see fit, so as no such instalment shall exceed ten per cent. on the amount of each share, giving at least one month's notice for each call, in such manner as they shall appoint.

Calls on Stock

XX. And be it enacted, That it shall and may be lawful for the President and Directors of the said Company, from time to time to fix, regulate and receive the tolls and charges to be received for the transmission of property or persons on the said Railway, subject always to the approval of the Governor in Council, as is provided by the "Railway Clauses Consolidation Act."

Tolls how regulated.

XXI. And be it enacted, That in case of neglect or refusal to pay the toll or freight due to the said Company on any goods, they shall have the power to detain the same until payment of such freight be made, and in the meantime, such goods shall be at the risk of the owner as provided in the said "Railway Clauses Consolidation Act," and if such goods be of a perishable nature

Payment of tolls how enforced.

the said Company shall have the right to sell the same forthwith on the certificate of two competent persons establishing the fact of their being so perishable, and if such goods be not of a perishable nature and shall remain unclaimed for a period of twelve months, it shall be lawful for such Company, after giving one month's notice in two newspapers published at or nearest the locality where such goods may be, to dispose of the same by public auction, and to hand over to the owner the produce of such sale if he shall claim the same, after deduction of the said tolls, freight and of the expenses incident to any such sale. 5 10

Company may be parties to Bills or Notes.

XXII. And be it enacted, that the said Company shall have power to become parties to Promissory Notes and Bills of Exchange, for sums not less than Twenty-five pounds, and any such Promissory Note made or indorsed, and any such Bill of Exchange drawn, accepted or indorsed by the President of the Company, or Vice-President, and countersigned by the Secretary and Treasurer, and under the authority of a majority of a *quorum* of the Directors, shall be binding upon the said Company; and every such Promissory Note or Bill of Exchange, so made, drawn, accepted or indorsed by the President or the Vice-President of the said Company, and countersigned by the Secretary and Treasurer as such, after the passing of this Act, shall be presumed to have been properly made, drawn and accepted or indorsed, as the case may be, for the Company, until the contrary be shewn; and in no case shall it be necessary to have the Seal of the Company affixed to any such Bill of Exchange or Promissory Note, nor shall the President, Vice-President or the Secretary and Treasurer of the Company so making, drawing, accepting or indorsing 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 or as the Notes of a Bank. 15 20 25 30

Proviso.

Company may take Stock in other Railways.

XXIII. And be it enacted, That the said Company shall have the right to purchase, take, hold and subscribe for stock in any other Railway Company as they may consider conducive to the interests of the said Company, and the Directors of the said Company may authorize one or more person or persons to vote upon such stock at any meetings of such other Railway Company. 35 40

Aliens may vote, &c.

XXIV. And be it enacted, that any Shareholder in the said Company, whether a British subject or alien, or a resident in Canada or elsewhere, shall have equal rights to hold stock in said Company, to vote on the same, and be eligible to office. in the said Company. 45

XXV. And be it enacted, That the Provincial Government may at any time after the commencement of the said Railway, assume the possession and property thereof, and of all the property which the said Company is empowered to hold and shall then have, and of all the rights and privileges and advantages vested in the said Company; all of which shall, after such assumption, be vested in Her Majesty, on the Government giving to the Company four months' notice of the intention to assume the same.

Province may
assume the
Railroad.

XXVI. And be it enacted, That in case of such assumption as aforesaid, the Government shall, within four months after the Company shall render an account in writing of the amount of money expended by the said Company, and all their then ascertained liabilities up to the time of such assumption, pay to the said Company the whole amount of the money so expended and of the liabilities so ascertained, together with interest at the rate of six per cent. and ten per cent additional thereon, after deducting the amount of any dividends before then declared, and the said Government shall also, from time to time, pay and discharge all liabilities of the Company not ascertained at the time for such assumption, as the same shall be established against the said Company; Provided always, that in case of a difference between the Government and the Company as to the amount so to be paid by the Government, such difference shall be referred to two Arbitrators, one to be named by the Government, the other by the Company; and, in case of disagreement, such difference shall be referred to an Umpire, to be chosen by such Arbitrators before entering into the consideration of the said difference, and that the said award so made by the Arbitrators or the Umpire shall be final; And provided also that in case of refusal by the Company to appoint an Arbitrator on their behalf, the same shall be appointed by any two of the Judges of either of the Superior Courts of Common Law on application of the Government, in Upper Canada, and by any two Judges of the Superior Court in Lower Canada.

Conditions of
assumption by
the Province.

Proviso.

Proviso.

XXVII. And be it enacted, That it may and shall be lawful for the said Company to cross, intersect, join, and unite the Railway with any other Railway, at any point on its route, and upon the lands of such other Railway with the necessary conveniences for the 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 two Judges of the Superior Court in Lower Canada, or by two Judges of the Superior Courts of Common Law in Upper Canada.

Company
may intersect
other Rail-
ways.

Forma.

Company
may enter
into certain
agreements
with other
Companies.

XXVIII. 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 for leasing the said Railway 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 5 any locomotives, cars, carriagers, tenders or other movable property of the said Company, either altogether or for any time or times, occasions, the 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, 10 cars, carriages, tenders, or other movable 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 15 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 20 shall be enforced by all Courts of Justice in this Province according to the terms and tenor thereof.

Junction with
other Com-
panies.

XXIX. And whereas it may conduce to the interests of the said Vaudreuil and Bytown Railway Company hereafter to unite and form a junction with other Railway Companies either at 25 Montreal or Bytown; Be it enacted, That it shall be lawful for the said Vaudreuil and Bytown Railway Company at any time hereafter to form such union and junction upon such terms and conditions as may be agreed upon at a general meeting of the Stockholders of the said Company specially convoked for that 30 purpose, by a majority of such Stockholders, and thereafter the Companies so united shall form one and the same Company.

Power to use
part of the
Grand Trunk
Railway.

XXX. And be it enacted, That the said Company shall have power to use the line of the Grand Trunk Railway at its 35 point of junction with the line of the said Railway in the County of Vaudreuil, on such terms of agreement as shall be mutually decided by the Directors of both Companies, and in the event of any disagreement, the said terms shall be settled by the Board of Railway Commissioners, whose decision shall be final and binding on both Companies: Provided always, that the said "Grand Trunk 40 "Railroad Company" shall enjoy all and every the advantages on the line of the said "Vaudreuil and Bytown Railway Company," which they the said Company enjoy on the line of the said "Grand Trunk Railroad Company."

Proviso.

XXXI. And be it enacted, That the Gauge of the said Railway Gauge shall not be broader or narrower than five feet six inches.

XXXII. And be it enacted, That if any Writ of *Saisie Arrêt* or Attachment shall be served upon the said Company, it shall be lawful for any duly authorized officer of the Company in any such case, to appear in obedience to the said Writ to make the declaration in such case by law required, according to the exigency of each case, which said declaration shall be taken and received in all Courts of Justice in Lower Canada, as the declaration of the Company; and in causes where interrogatories, "*sur Faits et Articles*, or *serment décisoire*," may have been or may hereafter be served upon the Company, the Directors shall have the power, by a Vote or Resolution entered among the Minutes of the proceeding of any meeting, to authorize any officer of the Company, to appear in any cause to answer such interrogatories, and the answers of such officer, so authorized, shall be held and taken to be the answers of the Company to all intents and purposes, as if all the formalities by law required, had been complied with; and the production of a copy of such Resolutions certified by the Secretary, with the said answers, shall be sufficient evidence of such authorization.

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

SCHEDULE A.

FORM OF CONVEYANCE.

Know all Men by there presents, that I, A. B., of
 (name also the wife if any), do herebp in consideration of
 (here the sum) paid to me by *The Vaudreuil and*
Bytown Railway Company, the receipt whereof is hereby acknowledged,
 grant, bargain, sell, convey and confirm into the *The Vaudreuil and*
Bytown Railway Company, their successors and assigns for ever, all
 that certain tract or parcel of land situate (here describe the lands), the
 same having been selected and laid out by the said Company for the
 purposes of their Railway. To have and to hold the said lands and
 premises, together with the appurtenances thereto, to the said *The Vau-*
dreuil and Bytown Railway Company, their successors and assigns for
 ever (here the release of dower if any.)

Witness my (or our) hand (or hands) Seal (or Seals, this
 day of one thousand eight hundred and

Signed, Sealed and delivered
 of

L. S.
 in presence

