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4th Session, 3d Parliament, 14 & 15 Vict., 1851.

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## BILL.

An Act to amend an Act intituled, "*An Act for incorporating the Toronto and Goderich Railway Company,*" and to continue the same as amended under the name of *The Toronto and Guelph Western Extension Railway Company.*

Received and read a first time, Thursday, 26th June, 1851.

Second reading Monday 30th June, 1851.

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Hon. Mr. CAMERON, (Cornwall).

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## BILL.

An Act to amend an Act intituled, "*An Act for incorporating the Toronto and Goderich Railway Company,*" and to continue the same as amended under the name of *The Toronto and Guelph Western Extension Railway Company.*

**W**HEREAS a Bill passed through both Houses of Preamble.  
the Provincial Legislature in the year of our Lord  
one thousand eight hundred and forty seven, for the  
purpose of enabling certain persons therein mentioned to  
5 construct a Railway from the City of Toronto, passing  
through the Town of Guelph and the waste lands of the  
Crown lying to the north of a tract of land commonly  
known as the Huron Tract, to the Port of Goderich on  
Lake Huron; And whereas the said Bill was reserved  
10 for the assent of Her Majesty in Council; and whereas  
proclamation was first made in the Canada Gazette of the  
twenty fourth day of June, one thousand eight hundred  
and forty eight, signifying that the Royal Assent had been  
given by Her Majesty in Council to the said Bill, whereby  
15 the said Bill, from the said twenty fourth day of June,  
became an Act of the Provincial Parliament of Canada;  
And whereas the Provisional Directors of the said Com-  
pany, by the said Act constituted, together with John G.  
Bowes, Esquire, Mayor of the City of Toronto, and one  
20 hundred and seventy others, Inhabitants of the City of  
Toronto, have joined in a Petition, praying that the said  
Act, intituled "*An Act for Incorporating the Toronto and  
Goderich Railway Company,*" may be amended in such  
a manner that persons desirous of subscribing towards the  
25 construction of so much of the said proposed Railway as  
shall extend from the City of Toronto to the Town of  
Guelph, may be empowered to limit their interest in the  
said proposed undertaking to such road, and that other  
persons desirous of contributing towards the construction  
30 of the residue of the said proposed line by the said recited  
Act contemplated, may be empowered so to do as a  
Branch Railway, and that the said Act as so amended  
may be continued; And whereas William P. Howland and  
John A. Donaldson, and eighty four others, inhabitants of  
35 the Townships of York and Etobicoke, through which  
Townships so much of the said Railway as extends from  
the City of Toronto to the Town of Guelph would pass,  
in like manner have presented their Petition, praying that  
the said Act, intituled, "*An Act for Incorporating the  
40 Toronto and Goderich Railway Company,*" may be amended

in such a manner as to attain the objects aforesaid; And whereas it is expedient that the prayers of the said respective Petitioners should be granted: Be it therefore enacted,

Enactments  
repealing  
certain parts  
of recited Act  
and contin-  
ting the  
residue  
thereof as  
hereby  
amended.

That the several sections in the said Act, intituled, "*An 5*  
"*Act for Incorporating the Toronto and Goderich Railway*  
*Company,*" numbered respectively— one, fifteen, nineteen,  
and fifty-two, and the proviso in the fourth section from  
the words "Provided always" inclusive to the end of  
that section, and the words "and also in the office of the 10  
Secretary of the Province" after the words "shall pass,"  
and before the words "and all persons" in the fifth sec-  
tion of the said recited Act, and likewise the words "to  
the said Secretary of the Province or" in the same fifth  
section, coming next after the word "paying," and pre- 15  
ceding the words "to the said respective Clerks of the  
Peace," and the latter part of the last proviso of the tenth  
section from the words "and the decision of the said  
Chairman and Justices" inclusive to the end of that pro-  
viso, and so much of the twenty-eighth section of the said 20  
recited Act as provides for the amount of the call which  
may be made per share, shall not be hereby revived or  
continued, but that the said several parts of the said recited  
Act shall be, and the same are hereby expunged from the  
said recited Act, and the same are hereby declared to be 25  
no longer in force, and the residue of the said recited Act  
as hereby amended shall be, and the same is hereby re-  
vived and continued.

Subscribers  
for so much of  
the line as  
extends from  
the City of  
Toronto to  
the Town of  
Guelph, con-  
stituted for  
that purpose  
a Company  
under the  
name of  
"The Toronto  
and Guelph  
Western  
Extension  
Railroad  
Company."

II. And be it enacted, That from and after the passing  
of this Act, John Arnold, John G. Bowes, A. M. Clark, 30  
James Cotton, John A. Donaldson, John Fiskin, William  
Charles Gwynne, George Herrick, William P. Howland,  
Samuel Peters Jarvis, John McDonald, James McGill  
Strachan, Ezekiel F. Whittemore and Frederick Widder,  
Esquires, together with every person who has already, 35  
under the provisions of the said recited Act, become a  
subscriber to, or has agreed to become a proprietor of,  
any share or shares in the Railway by the said recited  
Act authorised to be constructed, and who shall, within  
*three months* from and after the passing of this Act, ex- 40  
press his desire, in writing, addressed and delivered to  
the Secretary or to the Directors, or to any of the  
Directors of the Company hereinafter named, to have  
the amount, or any part of the amount so by him  
subscribed for the purposes of the said recited Act, 45  
transferred to the purpose of constructing the work  
in this clause mentioned, and also together with such  
other persons, corporations, or corporation, as shall, after  
the passing of this Act, become subscribers to and pro-  
prietors of any share or shares in the Railway in this 50  
clause mentioned; and their several and respective suc-  
cessors, executors, administrators and assigns, shall be,

and they are hereby declared to be united into a Company for making and maintaining, and they are hereby authorised and empowered to make and maintain, a Railway, with the other works necessary therefor, extending from the waters of Lake Ontario, within the limits of the City of Toronto to the Town of Guelph, in the County of Waterloo, according to the provisions and restrictions in the said recited Act as hereby amended and revived mentioned, and for that purpose shall be one body corporate, by the name and style of *The Toronto and Guelph Western Extension Railway Company*, and by that name and style shall have perpetual succession, and shall have a common seal, and by that name shall and may sue and be sued, and also shall have power and authority, from time to time, to purchase, have, hold, take and receive, by gift, grant, devise, bargain and sale, or otherwise, and also by deed of bargain and sale, or otherwise, to sell or exchange lands, tenements, hereditaments, for the purposes of the said recited Act, as hereby amended and revived, without incurring any penalties or forfeitures whatever: Provided always, that all persons who, prior to the passing of this Act, have made any payments in respect of the shares by them subscribed for in the said Toronto and Goderich Railway Company, shall be entitled to receive credit therefor upon such stock as they shall respectively transfer as aforesaid, under the provisions of this Act, in the same manner as they would have been entitled to such credit upon the stock by them respectively subscribed for in the said Toronto and Goderich Railway Company.

III. And be it enacted, That it shall and may be lawful for the said Toronto and Guelph Western Extension Railway Company to raise and contribute among themselves in such proportions as to them shall seem meet, a competent sum of money for the completion of the said Railway from the City of Toronto to the Town of Guelph, and for the completion of the works necessary for the efficient working and maintaining the said Railway, provided that such sum so to be raised shall not exceed the sum of two hundred and fifty thousand pounds currency in the whole, except as by the said recited Act as hereby amended and revived is excepted, and that such sum be divided into shares at a price of *five pounds* currency per share, which shares shall be regarded as personal estate and transferable as such.

Capital  
250,000  
pounds,  
divided into  
shares of  
five pounds  
each.

IV. And be it enacted, That the words following, namely, "any two Justices of the Peace" after the words "and the said complainant and the said Company may thereupon severally and respectively nominate and appoint" in the tenth section of the said recited Act, shall be expunged therefrom, and in lieu thereof shall be substituted the words next following, namely, "one Jus-

Certain parts  
of recited Act  
expunged, and  
other words  
substituted  
therefor.

“lice of the Peace,” and that the words “the said sum  
 “of *seven hundred and fifty thousand pounds* hereinbe-  
 “fore” coming next after the words “that in case” in  
 the seventeenth section of the said recited Act, and the  
 words “the sum of *two hundred and fifty thousand pounds* 5  
 “currency aforesaid” coming next after the words “not  
 “exceeding” in the same seventeenth section, shall be  
 and the same are hereby expunged from that section, and  
 that in lieu of the said firstly mentioned words, so expunged  
 from the said seventeenth section, shall be substituted the 10  
 words “the said capital sum hereby,” and that in lieu  
 of the said last mentioned words so expunged from the  
 said seventeenth section, shall be substituted the words  
 “in amount one-third part of the said capital sum,” and  
 that the words “the sum of *two hundred and fifty thou-* 15  
 “*sand pounds* currency” coming next after the words  
 “not exceeding” in the eighteenth section of the said  
 recited Act, shall be and the same are hereby expunged  
 from the said eighteenth section, and that in lieu thereof  
 shall be substituted the words “in amount one-third part 20  
 “of the said capital sum.”

Provisional  
 Directors.

V. And be it enacted, That from and after the passing  
 of this Act, the said John Arnold, John G. Bowes,  
 A. M. Clark, James Cotton, John A. Donaldson, John  
 Fiskin, William Charles Gwynne, George Herrick, 25  
 William P. Howland, Samuel Peters Jarvis, John Mc-  
 Donald, James McGill Strachan, Ezekiel F. Whitte-  
 more and Frederick Widder, Esquires, shall be the  
 Provisional Directors for carrying into effect the object  
 and purposes of the said recited Act as hereby amended 30  
 and revive d, and shall have and exercise the same  
 powers subject to the same restrictions as were by the  
 sixteenth Section of the said recited Act conferred upon  
 the persons therein named the Provisional or first Directors  
 of the said Toronto and Goderich Railway Company, save 35  
 in so far as such powers are altered or affected by this Act;  
 and be it enacted, that the concluding sentence of the said  
 sixteenth section commencing with the words “as also with  
 the City of Toronto and Lake Huron Railroad Company”  
 inclusive to the end of that section, shall be and the same 40  
 are hereby declared to be expunged from the said six-  
 teenth section and no longer of any force.

Nineteenth  
 section of  
 recited Act  
 expunged,  
 and provision  
 made for  
 election of  
 Directors  
 relative to  
 altered  
 amount of  
 shares.

VI. And in substitution for the nineteenth section of  
 the said recited Act and hereby expunged therefrom, be  
 it enacted, That the number of votes to which each pro- 45  
 prietor of shares in the said undertaking as hereby altered  
 shall be entitled on every occasion when, in conformity  
 with the provisions of the said recited Act as hereby  
 amended and revived, the votes of the Members of The  
 said Toronto and Guelph Western Extension Railway 50  
 Company are to be given, shall be in the proportion fol-  
 lowing to the number of shares held by him, that is to say:

one vote for one share, two votes for three shares, one additional vote for every three shares up to twenty-one inclusive, and one additional vote for every five additional shares over twenty-one; provided always, that no one proprietor shall have more than fifty votes; and all proprietors of shares, whether resident in this Province or elsewhere, may vote by proxy if they shall see fit, provided that such proxy do produce from his constituent an appointment in writing in the words or to the effect following, that is to say :

“I, \_\_\_\_\_, of \_\_\_\_\_, one of the proprietors  
 “of (*naming the Company*), do hereby nominate and  
 “appoint \_\_\_\_\_, of \_\_\_\_\_, another proprietor  
 “of shares in the said Company, to be my proxy in my  
 15 “name, and in my absence to vote or give my assent or  
 “dissent to any business, matter or thing relating to the  
 “objects of the said Company, or to any of such objects  
 “in such manner as the said \_\_\_\_\_ (*proxy*) shall  
 “think proper according to his opinion and judgment for  
 20 “the benefit of the said Company or anything appertain-  
 “ing thereto or to the direction and management thereof.  
 “In witness whereof I have hereto set my hand and  
 “seal the \_\_\_\_\_ day of \_\_\_\_\_, in the year \_\_\_\_\_  
 “(*being within the year next preceding the day upon which*  
 25 “*such proxy shall be used*).  
 “Witness.”

And such vote or votes by proxy shall be as valid as if such principal had voted in person; and whatever question upon the election of proper officers or upon any  
 30 other matters or things shall be proposed, discussed or considered in any public meeting of the proprietors of the said Company, to be held by virtue of the said recited Act as hereby amended and revived, shall be determined by the majority of votes and proxies then present and so  
 35 given as aforesaid; and all decisions and Acts of any such majority shall bind the said Company, and shall be deemed the decision and acts of the Company.

VII. And be it enacted, That the words following, namely, “*seventy five thousand pounds,*” shall be substituted for the words following, namely, “*one hundred and fifty thousand pounds,*” in the twenty second section of the said recited Act, and that the said words, “*one hundred and fifty thousand pounds,*” shall be expunged from, and shall no longer form a part of the said twenty second  
 40 section, and that the words following, namely, “*one thousand shares,*” shall in like manner be substituted for the words “*two hundred shares,*” wherever the said last mentioned words occur in the twenty second and twenty third sections of the said recited Act, and that the words  
 50 following, namely, “*one hundred shares,*” shall in like manner be substituted for the words “*twenty shares,*”

Certain parts of recited Act expunged and other provisions substituted having relation to the altered amount of capital.

whenever the said last mentioned words occur in the said twenty second section, and that the words following, namely, "Provided however that no call do exceed the amount of *ten* per centum upon each share of *five* pounds," shall be substituted for the words hereinbefore declared 5 to be expunged from the twenty-eighth section of the said recited Act, and that the words following, namely, "Toronto and Goderich Railway Company," shall be, and the same are hereby expunged from the form of sale of shares in the thirty-third section of the said recited 10 Act given; and that the name of the Company as hereby constituted, shall and may be substituted for such words so expunged, and that the words following, namely, *seventy-five thousand pounds*, shall be substituted for the words *one hundred and fifty thousand pounds*, in the fifty- 15 first section of the said recited Act contained, and hereby expunged therefrom.

Residue of recited Act as amended continued and made applicable to purposes of this Act.

VIII. And be it enacted, That the residue of the said recited Act as hereby amended, shall be and the same is hereby revived, and shall be construed as applicable to 20 the purposes of the undertaking hereby authorised, and shall have the same force and effect in relation to the said undertaking as if such residue of the said recited Act had been in express terms re-enacted in relation to such un- 25 dertaking, and incorporated in this Act, unless and save in so far as it may be found that from oversight or otherwise, any part of such residue of the said recited Act would be inconsistent with this Act; and that the said re- 30 cited Act as hereby amended, shall be so construed that the singular number shall also include the plural, and that the masculine gender shall also include the feminine, and that wherever the words "District or Districts," occur in the said recited Act, the same shall be construed as "County," "Counties," or "United Counties," or as "County," "Counties," and "United Counties," as the 35 case may be, so as to suit the sense.

Company empowered to make the residue of the line to Goderich, or in default thereof the Subscribers to recited Act and others empowered to do so under the name of "The Guelph and Goderich Branch Railway Company."

IX. And be it enacted, That it shall and may be law- 40 ful for the said Company of Proprietors, if it shall seem to them fit, to raise and contribute among themselves, in such proportions as to them shall seem meet, and in like shares of *five pounds* per share, a further sum for the extension 45 of the said Railway, by the construction of a Railway and other works necessary thereto, from the said town of Guelph to the waters of Lake Huron, at the Port of Goderich, in the County of Huron, under and subject to the 50 like powers and restrictions as are mentioned and contained in the said recited Act, as hereby amended and revived in relation to the said Railway hereinbefore mentioned from the city of Toronto to the town of Guelph: 55 Provided that such further sum, together with the said sum of *two hundred and fifty thousand pounds* hereinbefore authorised to be raised for the purpose, in that be-



half hereinbefore mentioned, shall not, except in so far as  
 is provided by the seventeenth section of the said reci-  
 ted Act, as hereby amended, exceed in the whole the  
 sum of *six hundred thousand pounds* of the currency of this  
 5 Province; and provided also, that it shall and may be  
 lawful for every person who has already under the provi-  
 sions of the said recited Act become a subscriber to, or  
 has agreed to become a proprietor of any share in the  
 said Toronto and Goderich Railway Company, to transfer  
 10 the whole or any part of the amount so agreed to be sub-  
 scribed by him for the construction of the said through  
 line of the said Toronto and Goderich Railway Com-  
 pany, towards the construction of that part of the said line  
 extending from the town of Guelph to the Port of Gode-  
 15 rich; and that when and so soon as such persons, together  
 with any other persons or corporations, and when and so  
 soon as any persons and corporations, or corporation shall  
 agree among themselves to raise and contribute towards  
 the construction of the said Branch Railway, the sum of  
 20 *one hundred thousand pounds* of like currency of Can-  
 ada, and shall have paid thereon the sum of *ten pounds* Joint Capital  
 per centum, into some or one of the banking insti- £600,000.  
 tutions of this Province to the credit of some per-  
 son to be by such subscribers appointed their Trea-  
 25 surer for that purpose, unless the Directors for the  
 time being of the said Toronto and Guelph Western Ex-  
 tension Railway Company, upon the request in writing of  
 any of the said subscribers to the construction of such  
 Branch Railway, having agreed to subscribe therefor,  
 30 shares to the amount of *ten thousand pounds*; and  
 upon the production of a certificate from such Trea-  
 surer as aforesaid, of the said sum of *ten pounds*  
 per centum being so paid as aforesaid, shall with-  
 in the period of thirty days from the delivery of  
 35 such request in writing, and the production of such  
 certificate, resolve to construct, and do take efficient  
 measures to procure the construction of the said Branch  
 Railway themselves, it shall be the duty of such Direct-  
 ors, and they are hereby required to publish a notice in  
 40 such papers as the said subscribers for shares to the said  
 amount of *ten thousand pounds* shall direct, and at the ex-  
 pense of such subscribers, signifying the dissent of the said  
 Toronto and Guelph Western Extension Railway Company  
 to construct such Branch Railway, and thereupon it shall  
 45 be lawful for the said subscribers of shares to the amount  
 of *one hundred thousand pounds* towards the construction  
 of the said Branch Railway, to meet together at such  
 time and place as shall be indicated, by a notice to  
 that effect to be published by any of the said subscri-  
 50 bers having agreed among themselves to take shares  
 toward the construction of the said Branch Railway to  
 the said amount of *ten thousand pounds*, so as, how-  
 ever, the period of thirty days shall elapse between  
 the day of the first publication of such notice, and the

day appointed for such meeting for the purpose of electing, and to elect eleven persons to be Directors, to act in the management and promotion of the said Branch Railway undertaking, and the qualification of the Directors so to be elected, and of the voters at such election, shall be the same as that of the Directors, and of the voters at the election of Directors respectively, in the said Toronto and Guelph Western Extension Railway Company; and thereupon the Directors of the said Branch Railway undertaking so elected, together with all other persons and corporations as shall become subscribers to and proprietors of shares in the said Branch Railway undertaking, and their several and respective successors, executors, administrators and assigns, shall be and become united into a Company, for the making and maintaining the said Branch Railway, and the other works necessary therefor, and shall be a body corporate, under the name and style of the Guelph and Goderich Branch Railway Company, with a capital not exceeding in the whole, the sum of *three hundred and fifty thousand pounds* of the currency of this Province, and as such body corporate, shall have, relatively to the amount of their said capital, all the right, powers and privileges, and shall be subject to all the duties, regulations and restrictions, as regards the said Branch Railway undertaking, as the Toronto and Guelph Western Extension Railway Company are by the said recited Act, as hereby amended and revived, made entitled and subject unto; and all the clauses of the said recited Act as hereby amended and revived, regulating the said Toronto and Guelph Western Extension Railway Company, shall thereupon become applicable to the said Guelph and Goderich Branch Railway Company, and the conduct and management of the said Guelph and Goderich Branch Railway Company shall be regulated thereby: Provided always, that at any time thereafter, it shall and may be lawful for the said Toronto and Guelph Western Extension Railway Company, and the said Guelph and Goderich Branch Railway Company, if they shall think fit, to merge the capital stock of the said Guelph and Goderich Branch Railway Company into the capital stock of the said Toronto and Guelph Western Extension Railway Company, in such manner and upon such terms as to the said respective Companies shall seem fit, and thereupon the said Guelph and Goderich Branch Railway Company shall be, and become absolutely merged, and extinguished in and united with the said Toronto and Guelph Western Extension Railway Company.

Separate  
Capital  
£350,000.

Recited Act  
as amended  
rendered  
applicable to  
the extension  
from Guelph  
to Goderich.

Duration of  
this Act.

X. And be it enacted, That unless the survey, map and book of reference in the fourth section of the said recited Act, as hereby amended and revived mentioned, shall be made, and unless the said map and book of reference shall be deposited, as in that section provided,

and unless the said respective Railways hereby authorised to be constructed shall be completed at or before the expiration of the sitting of Parliament of this Province, to be held next after the expiration of seven years from the passing of this Act, the said recited Act as hereby amended shall thereupon become absolutely null and void as to so much of the said respective lines of Railway as shall not then be completed.

XI. And be it enacted, That it shall and may be lawful for the Mayor, Aldermen and Councilmen of the City of Toronto, in their corporate capacity to contribute towards the construction of the said proposed Railway, from the City of Toronto to the town of Guelph, either by the subscription of Stock for that purpose, in the said Toronto and Guelph Western Extension Railway Company, or otherwise, as may to the said Mayor, Aldermen and Councilmen of the said City of Toronto, from time to time seem fit, and to make a by-law or from time to time by-laws, providing for the issuing debentures for that purpose and for the levying a rate for the redemption of such debentures, in such manner and in such amounts as to the said Mayor, Aldermen and Councilmen shall from time to time seem fit: provided always, that the rate to be imposed and levied by such by-laws respectively shall be sufficient to provide for the redemption of such debentures within the period of *twenty years* next ensuing the issuing of the same respectively, and that it shall and may be lawful for the several Municipal Corporations into or through the limits of which, or into or through any part of the limits of which the said respective Railways aforementioned shall pass, to contribute in like manner towards the construction of the said respective Railways, and in like manner to make similar by-laws to provide for the issuing, and for the levying a rate for the redemption of, debentures for that purpose, subject to the like restriction as hereinbefore mentioned: Provided also, that all of such by-laws in this clause mentioned, shall in other respects conform to and shall be in all respects subject to the provisions of the laws now in force, in relation to the making of by-laws by Municipal Corporations for the issuing of debentures, and for levying and enforcing a rate for the redemption of debentures, for raising money for local improvements within the limits of such respective Municipal Corporations.

Corporation of the City of Toronto and other Municipalities empowered to take stock.

XII. And be it enacted, 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.

Act declared a public Act.