THE

CANADA SOUTHERN RAILWAY

STATUTES.

TORONTO:
PRINTED BY HUNTER, ROSE & CO., 86 AND 88 KING STREET.
1873.
## CONTENTS

*(See also Index.)*

<table>
<thead>
<tr>
<th>Act and Section</th>
<th>Description</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>31 Vic. c. 14</td>
<td>Ontario, “Erie and Niagara Extension Railway Act, 1868”</td>
<td>1</td>
</tr>
<tr>
<td>33 Vic., c. 32</td>
<td>Ontario, “The Canada Southern Railway Act, 1869”</td>
<td>5</td>
</tr>
<tr>
<td>35 Vic., c. 48</td>
<td>Ontario, “The Canada Southern Railway Act, 1872”</td>
<td>11</td>
</tr>
<tr>
<td>36 Vic., c. 86</td>
<td>Ontario, “The Canada Southern Railway Act, 1873”</td>
<td>15</td>
</tr>
<tr>
<td>Con. Stat. Canada, c. 66</td>
<td>“The Railway Act”</td>
<td>18</td>
</tr>
<tr>
<td>23 Vic., c. 29</td>
<td>“The Railway Act Amendment Act of 1860,”</td>
<td>68</td>
</tr>
<tr>
<td>24 Vic., c. 17</td>
<td>“An Act to explain and amend ‘The Railway Act’”</td>
<td>73</td>
</tr>
<tr>
<td>24 Vic., c. 20</td>
<td>Ontario, “An Act in aid of Railways”</td>
<td>75</td>
</tr>
<tr>
<td>35 Vic., c. 24</td>
<td>Ontario, “An Act to make further provision in aid of Railways”</td>
<td>77</td>
</tr>
<tr>
<td>35 Vic., c. 25</td>
<td>Ontario, “An Act to enable certain Railway Companies to provide the necessary accommodations for traffic over their Railways, and to amend the Railway Act of the late Province of Canada”</td>
<td>78</td>
</tr>
<tr>
<td>20 Vic., c. 151</td>
<td>“An Act to incorporate the Fort Erie Railway Company”</td>
<td>81</td>
</tr>
<tr>
<td>25 Vic., c. 32</td>
<td>“An Act to enable the Town of Niagara to dispose of its interests in the Erie and Ontario Railroad, and for other purposes”</td>
<td>87</td>
</tr>
<tr>
<td>27 Vic., c. 59</td>
<td>“The Erie and Niagara Railway Company Act, 1863”</td>
<td>88</td>
</tr>
<tr>
<td>36 Vic., c. 86</td>
<td>Canada, “An Act to amend the Erie and Niagara Railway Company Act of 1863”</td>
<td>98</td>
</tr>
<tr>
<td>35 Vic., c. 91</td>
<td>Canada, “An Act to incorporate the Detroit River Railway Bridge Company”</td>
<td>99</td>
</tr>
<tr>
<td>35 Vic., c. 87</td>
<td>Canada, “An Act to incorporate the River St. Clair Railway Bridge and Tunnel Company”</td>
<td>108</td>
</tr>
<tr>
<td>36 Vic., c. 89</td>
<td>Canada, “An Act to amend the Act incorporating the Detroit River Railway Bridge Company, and to change the name of the Company to ‘The Detroit River Railway Bridge and Tunnel Company’”</td>
<td>116</td>
</tr>
<tr>
<td>36 Vic., c. 92</td>
<td>Canada, “An Act to amend the Act incorporating the River St. Clair Railway Bridge and Tunnel Company,”</td>
<td>118</td>
</tr>
<tr>
<td>31 Vic., c. 68</td>
<td>Canada, “The Railway Act, 1868”</td>
<td>120</td>
</tr>
<tr>
<td>34 Vic., c. 43</td>
<td>Canada, “An Act to enable certain Railway Companies to provide the necessary accommodation for the increasing traffic over their Railways, and to amend the ‘Railway Act, 1868’,”</td>
<td>171</td>
</tr>
<tr>
<td>36 Vic., c. 80</td>
<td>Canada, “An Act to amend the General Acts respecting Railways”</td>
<td>174</td>
</tr>
<tr>
<td>36 Vic., c. 81</td>
<td>Canada, “An Act to amend the Act, thirty-fourth Victoria, chapter forty-three”</td>
<td>175</td>
</tr>
</tbody>
</table>
"ERIE AND NIAGARA EXTENSION RAILWAY ACT OF 1868."

CAP. XIV.

An Act for the Incorporation of the Erie and Niagara Extension Railway Company.

[Assented to 28th February, 1868.]

WHEREAS an Act was passed by the Parliament of the then Province of Canada, in the Twenty-seventh year of the Reign of Her Majesty, intituled, "The Erie and Niagara Railway Company Act of 1863," under which the said Company has constructed its line of Railway from the Village of Fort Erie to the Town of Niagara; And whereas the said Company and a large number of Municipalities have, by their Petitions, represented that it would be greatly to the advantage of a large and important section of this Province, that a Railway should be constructed from some point at or near the Village of Fort Erie, to some point in the County of Essex, so as to pass through the Counties of Haldimand, Norfolk, Elgin, Oxford and Kent, and through or in the vicinity of the County of Middlesex; And whereas it is expedient to grant the prayer of the Petitioners; Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of Ontario, enacts as follows:—

1. For the construction of the said line of Railway, the following persons, viz.: William A. Thompson, Adam Crooks, Colin Munro, John Duck, Shelton Sturgis, Horatio Newcomb, C. A. DeGraff, Henry J. Kilmaster, Thomas M. Nairn, Richard Graham, John Smith, John Wright, and A. P. Farrell, together with such other persons as may become Shareholders in the Company, hereby incorporated, are hereby ordained and declared to be a body corporate, under the name of "The Erie and Niagara Extension Railway Company."

2. The several clauses of the Act chaptered sixty-six of the Railway Act to apply.

"Working of the Railway," and "General Provisions," are hereby incorporated with this Act, but in so far only as the said Clauses, or any part thereof respectively, may be construed to have reference to any act, deed, matter or thing to be done, executed, fulfilled or performed within the limits of the Province of Ontario.

3. The said Company shall have power to construct a line of Railway from a town in the Township of Bertie, at or near the Village of Fort Erie, passing through the Town of Saint Thomas, to some point in the County of Essex, in or near the Town of Sandwich, or the Town of Windsor, and to construct a branch from the main line to some point in, or near the Town of Amherstburg.

4. The Capital Stock of the said Company shall be Five Millions of Dollars, divided into Fifty Thousand Shares of One Hundred Dollars each.

5. The persons named in the first clause hereof are constituted the Board of Provisional Directors of the said Company, and shall hold office as such until the first election of Directors under this Act, and shall have power and authority, immediately after the passing of this Act, to open Stock Books, and procure subscriptions of Stock for the undertaking, giving at least four weeks' previous notice by advertisement in the newspapers hereinafter mentioned, and in the Ontario Gazette, of the time and place of their meeting, to receive subscriptions of Stock; and the said Provisional Directors may cause surveys and plans to be made and executed, and to acquire any plans and surveys now existing, and it shall be their duty, as hereinafter provided, to call a general meeting of Shareholders for the Election of Directors.

6. No subscription of Stock in the Capital of the said Company shall be legal or valid, unless Ten per centum shall have been actually and bona fide paid thereon, within five days after subscription, into one or more of the chartered banks of this Province, to be designated by the said Directors, and such ten per centum shall not be withdrawn from such bank, or otherwise applied, except for the purposes of such Railway, or upon the dissolution of the Company from any cause whatever; and the said Directors, or a majority of them may, in their discretion, exclude any person from so subscribing, who, in their judgment, would hinder, delay, or prevent the said Company from proceeding with and completing their undertaking under the provisions of this Act; and if more than the whole stock shall have been subscribed, the said Provisional Directors shall allocate and apportion it amongst the subscribers, as they shall deem most advantageous and conducive to the furtherance of the undertaking; and in such allocation the said Directors may, in their discretion, exclude any one or more of the said subscribers, if, in their judgment, this will best secure the building of the said Railway.

7. So soon as Two Million Dollars of the said Capital Stock shall have been subscribed, as aforesaid, and Ten per centum bona fide paid thereon, and deposited in one or more of the chartered banks of this Province, for the purposes of the Company, the hereinbefore mentioned Directors, or a majority of them, shall call a meeting of the Shareholders of said Company, at such time and place as they may think proper, giving at least two weeks' notice in one or more newspapers published in the Counties of Welland, Elgin, Norfolk, Kent, Haldimand, Middlesex, Oxford, and Essex, and in the Ontario Gazette, at such time as they may think proper, and they may call another meeting of Shareholders, to be held at the Village of Fort Erie, or elsewhere, within this Province, as may be appointed by by-law, on the first Wednesday in the month of June in each year, and two weeks' previous notice thereof shall be given by publication in newspapers, as provided in the last preceding clause.

8. The annual general meeting of the Shareholders for the Election of Directors and other general purposes, shall be held at the Village of Fort Erie, or elsewhere, within this Province, as may be appointed by by-law, on the first Wednesday in the month of June in each year, and two weeks' previous notice thereof shall be given by publication in newspapers, as provided in the last preceding clause.

9. No person shall be elected a Director of the said Company, unless he shall be the holder and owner of at least Twenty Shares in the Stock of the said Company, and shall have paid up all calls made thereon.

10. No call to be made at any time upon the said Capital Stock shall exceed Ten per centum on the subscribed capital.

11. Whenever it shall be deemed expedient by the Board of Directors, that a special general meeting of the shareholders shall be convened, the same may be done by advertisement, to be published in the manner last hereinbefore mentioned, and by circulars addressed by post to each Shareholder, at his last known or usual place of address, not less than two weeks previous thereto, and the special object of said meeting shall be distinctly set forth in such advertisement and circular.

1868. 3
Conveyances. 12. All deeds and conveyances for land required by the said Company may be in the form given in Schedule A. annexed, and all Registrars are required to register the same on the production of a duplicate thereof, with an affidavit of due execution, and for so doing the Company shall pay to the said Registrar for so doing the fee of two shillings and six-pence, and no more.

Bonds. 13. The Directors of the said Company, after the sanction of the Shareholders shall have been first obtained at any special general meeting, to be called from time to time for such purpose, but limited to the terms of this Act, shall have power to issue bonds made and signed by the President or Vice-President of the said Company, and countersigned by the Secretary and Treasurer, and under the seal of the said Company, for the purpose of raising money for prosecuting the said undertaking; and such bonds shall, without registration or formal conveyance, be taken and considered to be the first and preferential claims and charges upon the undertaking and the property of the Company, real and personal, and then existing and at any time thereafter acquired; and each holder of the said bonds shall be deemed to be a mortgagee and incumbrancer pro rata with all the other holders thereof upon the undertaking and the property of the Company as aforesaid; Provided, however, that the whole amount of such issue of bonds shall not exceed in all the sum of five million dollars, nor shall the amount of such bonds issued at any one time be in excess of the amount of the paid up instalments on its share capital and of the amount which has been actually expended in surveys and in works of construction upon the line; and provided also, further, that in the event at any time of the interest upon the said bonds remaining unpaid, and owing then at the next ensuing general annual meeting of the said Company, all holders of bonds shall have and possess the same rights and privileges and qualifications for Directors and for voting as are attached to Shareholders, provided that the bonds and any transfers thereof shall have been first registered in the same manner as is provided for the registration of shares.

Mode of issue. 14. Two million dollars, at least, of the said capital stock shall be subscribed, and the said deposit in cash of ten per centum thereon shall be made, and the said line of railway be bona fide commenced within two years from the passing of this Act; and at least one million of dollars shall be bona fide expended in works of construction thereon within three years from the passing of the said Act; and in default of any one of the said several foregoing requirements, then this Charter and the privileges hereby conferred shall become forfeited.

To be completed in five years. 15. The said Line of Railway shall be completed within five years from the passing of this Act.

16. The Gauge of the said Railway shall be five feet six inches, with power to lay down a third or more rails of another gauge, as the Directors may determine upon.

17. This Act may be cited as the "Erie and Niagara Extension Railway Act of 1868."

SCHEDULE A.

Know all men by these presents, that I, , do hereby, in consideration of paid to me by the Erie and Niagara Extension Railway Company, (the receipt whereof I do hereby acknowledge,) do grant and confirm to the said Company, its Successors and Assigns, for ever, all that certain parcel of land situate for the purpose of their Railway. And I, , do hereby release my Dower on the said Lands.

As witness hand and seal this day of One Thousand Eight Hundred and Sixty

Signed, Sealed and Delivered in the presence of

"THE CANADA SOUTHERN RAILWAY ACT, 1869."

CAP. XXXII.

An Act to amend the Act incorporating the Erie and Niagara Extension Railway Company, and to change the name to the Canada Southern Railway Company.

[Assented to 24th December, 1869.]

WHEREAS the Erie and Niagara Extension Railway Company, incorporated under "The Erie and Niagara Extension Railway Act of 1868," have petitioned for power to extend their line of Railway from a point at or near the Town
Branch line of The said Company shall have power to construct a branch line of bond.

1. The corporate name of the said Company shall be changed to that of "The Canada Southern Railway Company."

2. That the first section of "The Erie and Niagara Extension Railway Act of 1868," shall be and is hereby amended by striking out of the said section the names Colin Munro and Thomas M. Nairn, and inserting in the said section, immediately after the name John Wright therein, the names James Frazer, John Cunningham, Robert Blackwood, John Talbot Mann, George Southwick, Berkley Powell, Gilbert Hatheway, Cheney Ames, Andrew Elliot, Wesley Truesdail, John E. Kitch, John McRae, and Nicol Kingsmill, and the said section, as thus amended, shall henceforth be read as the first section of the said Act.

3. The Capital Stock of the said Company may be increased according to the provisions of the Railway Act, and the said Company, under the provisions of the Railway Act, may also issue bonds.

4. The said Company shall have power to construct a branch of their said Railway from a point at the Town of St. Thomas, in the County of Elgin, to a point on the St. Clair River, in the Townships of Moore or Sombra, in the County of Lambton, and the several clauses of the Act chaptered sixty-six, of the Consolidated Statutes of the former Province of Canada, intituled, "An Act respecting Railways," which by the second section of the "Erie and Niagara Extension Railway Act of 1868," are incorporated with that Act, shall be taken, held and construed to apply to the branch line hereby authorized to be constructed, as fully and effectually as if the said branch line had been originally authorized in and by the said last mentioned Act.

5. And in addition to the powers conferred by the clause respecting "Municipalities" in the Railway Act, it shall be lawful for the Corporation of any Municipality or Municipalities through any part of which, or near which, the railway or works of the said Company shall pass, or be situated, or which may be benefited thereby, to aid and assist the said Company by loaning, or guaranteeing, or giving money by way of bonus, or other means, to the Company, and by purchasing and granting to the said Company the land for the right of way, station grounds, gravel-pits and work-shops, and otherwise, in such manner and to such extent as such Municipal Corporation or Corporations, or any of them, may think expedient, and to issue its municipal bonds to or in aid of the said Company, for or all or any of the hereinbefore-mentioned purposes; Provided always, that no such loan, bonus, aid or guarantee be given except after the passing of by-laws for the purpose, and the adoption of such by-laws as provided in the Railway Act; Provided always that any such by-law, to be valid, shall be made in conformity with the laws of this Province respecting municipal institutions.

6. Whenever bonds, debentures, or other securities are issued under the said Company, by any Municipal Corporation, in aid of the said Company, by way of bonus or gift, such bonds, debentures or securities shall, within six weeks after the passing of the by-law authorizing the same, be delivered to the Trustees to be named, one by the Lieutenant-Governor in Council, one by the said Company, and one by the Wardens of the Counties of Welland, Haldimand, Norfolk, Oxford, Middlesex, Elgin, Kent, Essex and Lambton; Provided that if the Lieutenant-Governor in Council shall refuse or neglect to name such Trustee within six weeks after he shall have been duly notified of the appointment of the other two Trustees, the said Company shall be at liberty to name one in the place of the one to have been named by the Lieutenant-Governor in Council; Provided also, that the said Proviso, Wardens shall appoint the said Trustee to be appointed by them, by the vote of a majority of them who shall attend the meeting for that purpose, to be held at such time and place as the said Company may appoint for that purpose, notice of which shall be sent to each of them, by mail, at least fourteen days before the day appointed; and if they fail or neglect to name such Trustee, the said Company shall be at liberty to name one in the place of the Trustee to have been named by them; and any Trustee appointed may be removed, and a new Trustee appointed in his place, at any time, by the consent of the Lieutenant-Governor in Council.

7. The said Trustees shall receive the said bonds, debentures, or other securities, and any coupons or interest warrants attached thereto in trust, and shall place the same in the custody of one of the chartered banks of Canada, to be designated by them, and shall not withdraw, cancel, control, or in any wise dispose of the said bonds, debentures, securities, coupons or interest warrants, or any of them respectively unless, and except upon and under the circumstances and conditions following, that is to say:—

Firstly. When and as any of the moneys payable under the said bonds, debentures, securities, coupons, or interest warrants respectively,
respectively, become due, it shall be lawful for the said Trustees, from time to time, to withdraw from the custody of the said bank such of the said debentures, coupons, or interest-warrants respectively, as according to the tenor and effect thereof may be requisite for duly presenting and obtaining payment thereof, and shall forthwith, after such presentation, and in so far as the said bonds, debentures, securities, coupons, or interest-warrants may not have been paid, return the same into the custody of the bank aforesaid, and shall, from time to time, and as and when any such moneys are received deposit the same in the bank aforesaid, to the credit of a special account, to be termed “The Canada Southern Railway Municipal Account,” which account shall further clearly state and show the particular bonds, debentures, or securities, in respect of which the said moneys have been received, and in such account the moneys received in respect of the bonds, debentures, or securities from each Municipal Corporation shall be kept separate and distinct from those received from any other of the said Municipal Corporations.

Terms of the Trust.

Secondly. It shall be lawful for each of the Municipal Corporations who may pass by-laws to aid the said Railway Company to require from the provisional or other Directors on behalf of the said Railway Company, and before the bonds, debentures, or other securities for said aid are delivered to the said Trustees, an agreement setting forth and specifying the stipulations and conditions under which the bonds, debentures, or other securities granted by such Municipal Corporation, and all moneys payable in respect thereof, or of the interest thereon, shall, from time to time, become applicable for the purposes of the said Railway; and when, and as the said bonds, debentures, or other securities, or any of them, or any moneys received on account thereof, or of the interest thereon, according to the terms of the said agreement, become deliverable or payable to the said Railway Company, the same shall from time to time be delivered or paid, as the case may be, by the said Trustees upon certificate of the Chief Engineer of the said Railway Company in form set out in Schedule B. to this Act, or to the like effect.

Terms of the Trust.

Thirdly. In the event of the said Railway Company not completing the said Railway to the extent mentioned, or by the time required under the terms of its agreement with any Municipal Corporation, it shall be the duty of the said Trustees to return to such Municipal Corporation the bonds, debentures, or securities received from it, and any moneys received in the meantime in respect thereof, or of the interest thereon, or such of the said bonds, debentures, securities or moneys as shall not have been delivered or paid to the said Railway Company under the terms of the said agreement; and any bonds, debentures,

tures, or securities so returned, shall be forthwith cancelled, and it is further provided that the act of any two of the said Trustees shall be as valid and binding as if the three had agreed thereto.

8. It shall be further lawful for the Corporation of any Municipality through any part of which the Railway of the said Company passes or is situate, by by-law especially passed for Company from that purpose, to exempt the said Company and its property within such Municipality, either in whole or in part from Municipal assessment or taxation, or to agree to a certain sum per annum or otherwise in gross or by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments, to be imposed by such Municipal Corporation, and for such term of years as such Municipal Corporation may deem expedient.

9. That the money to be paid into one of the chartered banks of this Province, as required by sections six and fourteen of the Act chapter fourteen, passed in the thirty-first year of Her Majesty’s reign by the Parliament of Ontario, and intituled, “An Act for the incorporation of the Erie and Niagara Extension Railway Company,” shall be paid in to the joint credit of the said Company and the Treasurer of Ontario, and notice of such payment shall be published for at least one month in the Ontario Gazette, and a copy of the stock list of the said Company duly verified shall at the said time be deposited in the office of the Provincial Secretary; and the said money so paid into the bank as aforesaid, shall remain therein to the joint credit of the said Company, and the Treasurer of Ontario until satisfactory evidence of the bona fides of all the subscriptions, and of the ability and intention of the said Company to commence and carry on the said Railway shall be furnished to the Lieutenant-Governor in Council and an order shall have been issued declaring the same to be bona fide; and any Municipality along the line of the proposed Railway, or any Railway Company duly organized in Ontario, shall be at liberty to examine into and test the bona fides of the subscriptions before the Lieutenant-Governor in Council within one month after the first publication of the said notice; and in the event of non-compliance with the above provisions within the time limited by the said recited Act, then the rights and privileges conferred by this Act or by the said recited Act shall cease and be void and of none effect.

10. The Company shall have power to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars; and any such promissory note made or endorsed, and such bill of exchange drawn, accepted or endorsed, by the President or Vice-President of the Company, and countersigned Municipalities may exempt property of Company from taxation, or make compensation, etc.
countersigned by the Secretary and Treasurer, and under the authority of a majority of a quorum of the Directors, shall be binding on the Company; and every such promissory note or bill of exchange made, drawn, accepted or endorsed by the President or Vice President of the said Company, and countersigned by the Secretary and Treasurer as such 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 shall it be necessary to have the seal of the Company affixed to any such bill or exchange of promissory note, nor shall the President, Vice-President, or Secretary and Treasurer of the Company, so making, drawing, accepting or endorsing any such promissory note or bill of exchange, be thereby subjected individually to any liability whatever: Provided always that nothing in this section 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.

II. The sixteenth section of the said Erie and Niagara Extension Railway Act is hereby repealed, and the gauge of the said Railway may be such as the Directors, in their discretion may determine upon, with power to lay down a third or more rails as they may think proper.

SCHEDULE B.

CANADA SOUTHERN RAILWAY Co.'s Office.

Engineer's Department.

CHIEF ENGINEER'S CERTIFICATE.

Certificate in the Canada Southern Railway Municipal Trust Account, given under section 33 Vic. Cap.

I, A. B. Chief Engineer for said Railway Company, do hereby certify that the said Company hath performed and fulfilled the following terms and conditions specified and set forth in the agreement, dated the day of that is to say:

(Here set out clearly the terms and conditions which have been fulfilled.)

And that under the said agreement and in accordance therewith, the said Railway Company is now entitled to receive from the said trust the sum of $ in the debentures of the said Municipal Corporation, together with their relative coupons and interest warrants, or any money heretofore received by the said trust in payment of the said coupons or interest warrants, or of the said debentures respectively.

"THE CANADA SOUTHERN RAILWAY ACT, 1872."

CAP. XLVIII.

An Act to confer further Corporate Powers on the Canada Southern Railway Company.

[Assented to 2nd March, 1872.]

WHEREAS The Canada Southern Railway Company is engaged in the construction of its lines of railway under the Statute of this Province passed in the thirty-first year of Her Majesty's reign, intituled "An Act for the incorporation of the Erie and Niagara Extension Railway Company," and the Statute passed in the thirty-third year of Her Majesty's reign, intituled "An Act to amend the Act incorporating the Erie and Niagara Extension Railway Company, and to change the name to the Canada Southern Railway Company," and hath petitioned for further corporate powers;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The said company may construct a branch from any point on its line of railway in the Township of Enniskillen to some other point on the St. Clair River, in the Township of Sarnia; also a branch from its line of railway in the County of Kent to the Town of Chatham, and the several clauses of the Act chaptered sixty-six of the Consolidated Statutes of the former Province of Canada, intituled "An Act respecting Railways," which by the second section of the Erie and Niagara Extension Railway Act of 1868, are incorporated with that Act, and all and every the
the powers conferred by said last mentioned Act and the said recited Act amending the same, shall be taken, held and con­
tinued to apply to any branch line hereby authorized to be constructed, as fully and effectually as if such branch line had been specially authorized in and by the said last mentioned Acts; Provided that the construction of such branches shall be commenced within one year and completed within four years, otherwise the powers conferred by this section shall become void as to any such branch not commenced and completed within the respective times aforesaid.

Municipal corporations empowered to extend time to work.

2. The corporation of any municipality which has aided or assisted, or may aid or assist the said company, may, upon the application of the company, grant such extension of time as said municipal corporation may think fit for the performance or fulfilment by the company of any works stipulated for in respect of such aid or assistance.

Directors may appoint agents in London and New York.

3. The directors of the company may, subject to the rules and regulations, from time to time, of the board, appoint an agent in the City of London, England, and also an agent in the City of New York, in the State of New York, with power to pay dividends, to open and keep books of transfer for the shares of the company, and for the issue of scrip and stock certificates; and thereupon shares may be transferred from the Canada office to the London or New York offices, in the names of the transferees in the same manner as shares may be transferred in the former office, and vice versa; and shares originally taken and subscribed for in Great Britain, and shares originally taken and subscribed for in the United States may be respectively entered upon the books at the London, or at the New York office, and scrip certificates be issued for them, and the agent or agents or other officer or officers shall transmit an accurate list of all such transfers and scrip certificates so issued to the secretary or other officer of the company in this Province, who shall there­upon make the requisite entries respecting such transfer and scrip certificates in the Register kept in this Province, and thereupon the same shall be binding on the company, as to all the rights and privileges of shareholders, as though the scrip certificates had been issued by the secretary of the company in this Province.

Provisions as to transfer of stock.

4. Shares in the capital stock of the company may be transferred by any form of instrument in writing; but no transfer shall become effectual unless the stock or scrip certificates issued in respect of the shares intended to be transferred are surrendered to the company, or the surrender thereof dispensed with by the company;

Provisions as to transferring stock.

5. Whenever any transfer shall be made in England or the United States of any share of stock of the company, the delivery of the transfer and stock or scrip certificates to the agent or agents of the company for the time being in London and New York aforesaid shall be sufficient to constitute the transferee a shareholder or stockholder in the company in respect to the share of stocks so transferred; and such agent or agents shall transmit an accurate list of all such transfers to the secretary of the company in this Province, who shall thereupon make the requisite entries in the register, and the directors may from time to time make such regulations as they shall think fit for facilitating the transfer and registrations of shares of stock and the forms in respect thereof as well in this Province as elsewhere, and to the closing of the register of transfers for the purpose of dividends as they may find expedient: and all such regulations not being inconsistent with the provisions of this Act and of the Railway Act, as altered or modified by this Act, shall be valid and binding.

6. 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 the said company, and to vote on the same and to be eligible for office in the said com­pany; and directors may at any meeting of the Board vote by proxy, provided at least four directors are personally present at such meetings.

7. Where stone, gravel, or any other material is or are re­quired for the construction or maintenance of said railway or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same are situate for the purchase thereof, cause a provincial surveyor to make a map and description of the property so required, and they shall serve a copy thereof with their notice of arbitration, as in case of acquiring the roadway, and the notice of arbitration, the award, and the tender of the compensation shall have the same effect as in the case of arbitration for the roadway, and all the provisions of the Railway Act as varied and modified by the special Acts relating to the said company as to the service of the said notice, arbitration, compensation deeds, payment of money in court, the right to sell, the right to convey, and the parties from whom lands may be taken or who may sell, shall apply to the subject matter of this section, and to the obtaining materials as aforesaid; and such proceedings may be had by the said company either for the right to the fee simple in the land from which said material shall be taken, or for the right to take material for any time they shall think necessary; the notice of arbitration, in case arbitration is resorted to, to state the interest required.

8. When said gravel, stone or other materials shall be taken, Power to lay down the gravel pits.

of the transfer and stock or scrip certificates to the agent or agents of the company for the time being in London and New York aforesaid shall be sufficient to constitute the transferee a shareholder or stockholder in the company in respect to the share of stocks so transferred; and such agent or agents shall transmit an accurate list of all such transfers to the secretary of the company in this Province, who shall thereupon make the requisite entries in the register, and the directors may from time to time make such regulations as they shall think fit for facilitating the transfer and registrations of shares of stock and the forms in respect thereof as well in this Province as elsewhere, and to the closing of the register of transfers for the purpose of dividends as they may find expedient: and all such regulations not being inconsistent with the provisions of this Act and of the Railway Act, as altered or modified by this Act, shall be valid and binding.

6. 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 the said company, and to vote on the same and to be eligible for office in the said company; and directors may at any meeting of the Board vote by proxy, provided at least four directors are personally present at such meetings.

7. Where stone, gravel, or any other material is or are re­quired for the construction or maintenance of said railway or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same are situate for the purchase thereof, cause a provincial surveyor to make a map and description of the property so required, and they shall serve a copy thereof with their notice of arbitration, as in case of acquiring the roadway, and the notice of arbitration, the award, and the tender of the compensation shall have the same effect as in the case of arbitration for the roadway, and all the provisions of the Railway Act as varied and modified by the special Acts relating to the said company as to the service of the said notice, arbitration, compensation deeds, payment of money in court, the right to sell, the right to convey, and the parties from whom lands may be taken or who may sell, shall apply to the subject matter of this section, and to the obtaining materials as aforesaid; and such proceedings may be had by the said company either for the right to the fee simple in the land from which said material shall be taken, or for the right to take material for any time they shall think necessary; the notice of arbitration, in case arbitration is resorted to, to state the interest required.

8. When said gravel, stone or other materials shall be taken, Power to lay down the gravel pits.

of the transfer and stock or scrip certificates to the agent or agents of the company for the time being in London and New York aforesaid shall be sufficient to constitute the transferee a shareholder or stockholder in the company in respect to the share of stocks so transferred; and such agent or agents shall transmit an accurate list of all such transfers to the secretary of the company in this Province, who shall thereupon make the requisite entries in the register, and the directors may from time to time make such regulations as they shall think fit for facilitating the transfer and registrations of shares of stock and the forms in respect thereof as well in this Province as elsewhere, and to the closing of the register of transfers for the purpose of dividends as they may find expedient: and all such regulations not being inconsistent with the provisions of this Act and of the Railway Act, as altered or modified by this Act, shall be valid and binding.

6. 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 the said company, and to vote on the same and to be eligible for office in the said company; and directors may at any meeting of the Board vote by proxy, provided at least four directors are personally present at such meetings.

7. Where stone, gravel, or any other material is or are re­quired for the construction or maintenance of said railway or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same are situate for the purchase thereof, cause a provincial surveyor to make a map and description of the property so required, and they shall serve a copy thereof with their notice of arbitration, as in case of acquiring the roadway, and the notice of arbitration, the award, and the tender of the compensation shall have the same effect as in the case of arbitration for the roadway, and all the provisions of the Railway Act as varied and modified by the special Acts relating to the said company as to the service of the said notice, arbitration, compensation deeds, payment of money in court, the right to sell, the right to convey, and the parties from whom lands may be taken or who may sell, shall apply to the subject matter of this section, and to the obtaining materials as aforesaid; and such proceedings may be had by the said company either for the right to the fee simple in the land from which said material shall be taken, or for the right to take material for any time they shall think necessary; the notice of arbitration, in case arbitration is resorted to, to state the interest required.

8. When said gravel, stone or other materials shall be taken, Power to lay down the gravel pits.

of the transfer and stock or scrip certificates to the agent or agents of the company for the time being in London and New York aforesaid shall be sufficient to constitute the transferee a shareholder or stockholder in the company in respect to the share of stocks so transferred; and such agent or agents shall transmit an accurate list of all such transfers to the secretary of the company in this Province, who shall thereupon make the requisite entries in the register, and the directors may from time to time make such regulations as they shall think fit for facilitating the transfer and registrations of shares of stock and the forms in respect thereof as well in this Province as elsewhere, and to the closing of the register of transfers for the purpose of dividends as they may find expedient: and all such regulations not being inconsistent with the provisions of this Act and of the Railway Act, as altered or modified by this Act, shall be valid and binding.
line of the railway, the company may lay down the necessary siding and tracks over any lands which may intervene between the railway and the lands on which said material shall be found, whatever the distance may be; and all the provisions of the Railway Act and of the Special Acts relating to said company's Act, except such as relate to filing plans and publication of notice, shall apply, and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated; and such right may be so acquired for a term of years or permanently, as the company may think proper; and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed for the purpose of repairing and maintaining the said railway.

9. The company may make arrangements for the conveyance or transit of traffic with any other railway company or companies, or with the International or any other railroad bridge, or tunnel company, and may enter into an agreement with such other company or companies with respect to the terms of such traffic arrangements, or with respect to all or any of the matters following, viz.: The maintenance and management of the works of the companies respectively or of any one or more of them or of any part thereof respectively; the use and working of the railway or bridge or of any part thereof respectively and the conveyance of traffic thereon; the fixing, collecting, and apportionment of the tolls, rates, charges, receipts and revenues levied, taken or arising in respect of traffic; and the joint or separate ownership, management, and use of a station or other work or any part thereof respectively.

10. The company shall have full power to purchase land for and erect warehouses, elevators, docks, stations, workshops and offices, and to sell and convey such land as may be found superfluous for any such purpose; and the company shall have power to acquire and hold as part of the property of the said company as many steam or other vessels as the directors of the company may deem requisite from time to time to facilitate the carriage of passengers, freight and other traffic.

11. The said company may acquire by purchase or lease the Erie and Niagara Railway and the London and Port Stanley Railway, or either of them, or any of their lands or other property, and upon such acquisition may exercise all and every of the rights, franchises and privileges conferred by the Acts of Incorporation relating to the said companies, so far as relates to any matter or thing to be done or proposed within the Province of Ontario: and the said company may also further guarantee for the loan of its credit to or become guarantors for, or may subscribe to or become the owner of stock in any railroad bridge or tunnel company with which its line may be in connection in the like manner and with the like rights as individuals.

"THE CANADA SOUTHERN RAILWAY ACT, 1873."

CAP. LXXXVI.

An Act respecting the Canada Southern Railway Company.

[Assented to 29th March, 1873.]

WHEREAS The Canada Southern Railway Company has petitioned for power to build certain branches, and to have the times limited by the second section of an Act passed in the thirty-fifth year of the reign of Her Majesty Queen Victoria, chaptered forty-eight, and for other corporate powers; and it is expedient to grant the same:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows—

1. The respective times limited in and by the first section of "An Act to confer further corporate powers on the Canada Southern Railway Company," passed in the thirty-fifth year of the reign of Her Majesty Queen Victoria, and chaptered forty-eight, are hereby respectively extended each for the further period of two years.

2. The said Company may construct a branch from any point on its line of railway in the Township of Enniskillen, to some point at or near the Village of Petrolia, in the said town-ship; also to some point at or near the Village of Oil Springs, in the said township; also one or more branches from any point on its line of railway in the County of Welland, to any point on the Niagara River, or to the line of the Erie and Niagara Railway Company, in the Counties of Lincoln and Welland: and the several clauses of the Act chaptered sixty-six, of the Consolidated Statutes of the former Province of Canada, intituled, "An Act respecting Railways," which by the second section of the Erie and Niagara Extension Railway Act
Act of 1868 are incorporated with that Act; and all and every the powers conferred by the said last mentioned Act or any Act amending the same or relating to the Canada Southern Railway Company shall be taken, held and construed to apply to any branch line hereby authorized to be constructed: Provided, that the construction of such branches shall be commenced within two years, and completed within four years, otherwise the powers conferred by this section shall become void as to any such branch not commenced, and completed within the respective times aforesaid.

3. The said Company shall have power to guarantee for the loan of its credit to, or become guarantors for or may subscribe to or become the owners of stock in any railway company, with the line of which their line may be in connection, or any railway company over the line of which they may now have or hereafter may make arrangements for running powers, or the conveyance of traffic: Provided, that the power given under this clause shall not be exercised, unless sanctioned by a vote to that end of two-thirds of the shareholders, voting in person or by proxy at a general meeting of the shareholders specially called for that purpose, or at the annual general meeting.

4. The by-law numbered one hundred and ninety-four, passed by the Corporation of the County of Elgin, intituled "By-law to aid and assist The Canada Southern Railway Company, by giving two hundred thousand dollars to the said Company by way of bonus, and to issue debentures therefor, and to authorize the levying of a special rate for the payment of the debentures and interest;" The by-law passed by the Corporation of the Township of Townsend, intituled "By-law of the Municipal Corporation of the Township of Townsend to aid and assist The Canada Southern Railway Company, by giving thirty thousand dollars to the said Company by way of bonus, and to issue debentures therefor, and to authorize the levying of a special rate for the payment of the debentures and interest;" The by-law passed by the Corporation of the Township of Dereham, bearing date the twelfth day of October, 1870, to aid and assist The Canada Southern Railway Company, by giving thereto the sum of fifteen thousand dollars: The by-law, numbered one hundred and thirty-eight, passed by the Corporation of the Township of South Norwich, intituled "By-law of the Municipal Corporation of the Township of South Norwich, to aid and assist The Canada Southern Railway Company, by giving fifteen thousand dollars to the said Company, by way of bonus, to issue debentures therefor, and to authorize the levying of a special rate for the payment of the debentures and interest;" The by-law, lettered S, passed by the Corporation of the Township of Malden, intituled "By-law to aid and assist The Canada Southern Railway Company, by giving fifteen thousand dollars to the Company, by way of bonus, and to issue debentures therefor, and to authorize the levying of a special rate for the payment of such debentures and interest;" The by-law, numbered sixty-seven, passed by the Corporation of the Township of Anderdon, intituled "By-law to aid and assist The Canada Southern Railway Company, by giving a bonus of twenty-five thousand dollars to the said Company, and to issue debentures therefor, and to authorize the levying of a special rate for the payment of such debentures and interest;" The by-law, numbered seventy-four, of the Corporation of the Town of St. Thomas, intituled "By-law to aid and assist The Canada Southern Railway Company, by giving fifteen thousand dollars to the said Company, by way of bonus, and to issue debentures therefor, and to authorize the levying of a special rate for the payment of debentures and interest;" and all debentures issued, or that may hereafter be issued under either of said by-laws be, and the same are declared legal, binding, and void upon the said respective Corporations of the County of Elgin, the Township of Townsend, the Township of Dereham, the Township of South Norwich, the Township of Malden, the Township of Anderdon, the Town of St. Thomas, the Town of Amherstburg, and all others whatsoever, any law or statute to the contrary notwithstanding: Provided always, that nothing in this Act contained shall in anywise affect the claim of the said Company, by way of bonus, or any of them in the said by-laws, or any of them contained upon or subject to which the bonus or any of them mentioned in the said by-laws or any of them are to be given to the said Canada Southern Railway Company.

5. Whereas the said Company have constructed their railway bridge over Kettle Creek, in the County of Elgin, and have in so doing, with the assent of the Municipality of the Town of St. Thomas, in the said County, encroached upon Talbot Street, in the said town, and have diverted the same. Now therefore such encroachment and diversion and the construction of the said bridge in the manner aforesaid is hereby declared lawful: Provided that nothing herein contained shall prevent the said Company from changing the construction of the bridge in the manner aforesaid.
CAP. 66. 18 22 Vic.

tion of the said bridge so as to restore the highway to its original state.

Power to close up roads.

6. That the said Company shall have the power of closing up any road or highway crossing through any of their station grounds, provided the said company shall have the consent of the municipality in which the said road is situated, by a by-law passed for that purpose, and provided a road adjacent thereto, and convenient for public use, be provided in lieu of any such closed road.

Short title of 33 Vic., c. 32. 7. The Act passed in the thirty-third year of the reign of Her Majesty Queen Victoria, chaptered thirty-two, and intituled "An Act to amend the Act incorporating the Erie and Niagara Extension Railway Company, and to change the name to the Canada Southern Railway Company, may be cited as ‘The Canada Southern Railway Act, 1869.’"

Short title of 36 Vic., c. 48. 8. The Act passed in the thirty-fifth year of the reign of Her Majesty Queen Victoria, chaptered forty-eight, and intituled "An Act to confer further corporate powers on the Canada Southern Railway Company may be cited as ‘The Canada Southern Railway Act, 1872.’"

Short title of this Act. 9. This Act may be cited as "The Canada Southern Railway Act, 1873."

"THE RAILWAY ACT."

CON. STAT. CANADA, CHAP. 66.

General Railway Act.

H. R. Majesty by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. APPLICATION OF ACT.

1. Whenever this Act is referred to in citing the same it shall be sufficient to use the expression, "The Railway Act."

2. When not otherwise expressed, this and the following sections to the one hundred and twenty-fifth shall apply to every Railway may subscribe for stock in certain companies.

2. For the purpose of constructing, working and protecting the telegraph lines constructed by the said company on their line of railway, the powers conferred on telegraph companies by the Act respecting Electric Telegraph Companies are hereby conferred upon the company; and the other provisions of the said Act for the working and protection of telegraph lines shall apply to any such telegraph lines constructed by the company.

3. This Act may be cited as the “Canada Southern Railway Act, 1874.”
CAP. LXVIII.

An Act respecting the Canada Southern Railway Company.

[Assented to 26th May, 1874.]

WHEREAS, by an Act of the Legislature of the Province of Ontario, passed in the thirty-first year of Her Majesty's reign, intituled "An Act for the Incorporation of the Erie and Niagara Extension Railway Company," the persons therein mentioned were incorporated under the name of "The Erie and Niagara Extension Railway Company," for the construction of a line of Railway from some point at or near the Village of Fort Erie to some point in the County of Essex, with all the powers, rights and privileges therein mentioned.

And whereas, by a certain other Act of the Legislature of the said Province, passed in the thirty-third year of the said reign, intituled "An Act to amend the Act incorporating the Erie and Niagara Extension Railway Company, and to change the name to "The Canada Southern Railway Company," the corporate name of the said Company was changed to that of "The Canada Southern Railway Company," and certain further powers were thereby conferred on the said Company, including power to construct a branch line from the Town of St. Thomas to a point on the St. Clair River, in the Township of Moore, or Sombra, in the County of Lambton.

And whereas, by a certain other Act of the said Province, passed in the thirty-fifth year of the said reign, intituled "An Act to confer further corporate powers on the Canada Southern Railway Company," certain further powers were conferred on the said Company.

And whereas, by a certain other Act of the said Province, passed in the thirty-sixth year of the said reign, intituled "An Act respecting the Canada Southern Railway Company," further corporate powers were thereby conferred on the said Company.

And whereas, by a certain other Act of the said Province, passed in the thirty-seventh year of the said reign, intituled "An Act respecting the Canada Southern Railway Company," certain other powers were thereby conferred on the said Company.

And whereas the said line of railway between the Village of Fort Erie and a point on the Detroit River, near the Town of Amherstburgh, in the County of Essex, and the said branch line to the River St. Clair, in the Township of Moore, have been constructed.

And whereas the said Company, from the location of its lines with respect to connecting lines of railway in the United States, have by their petition represented that it is necessary, for the better transaction of its business, that the said Company should become a Railway Corporation under and within the jurisdiction
An Act to authorise the "Canada Southern Railway Company" to acquire the "Erie and Niagara Railway," and for other purposes.

WHEREAS the Canada Southern Railway Company has petitioned for authority to acquire the Erie and Niagara Railway, and for other purposes, and it is expedient to grant the prayer of the said petition; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. It shall be lawful for the Canada Southern Railway Company, within three years from the passing of this Act, to acquire the lines of railway, franchises, stocks, shares, property, rights and privileges of the Erie and Niagara Railway Company of every nature or description, and wherever situate, and for the Erie and Niagara Railway Company to unite and amalgamate with the Canada Southern Railway Company upon such terms and conditions as may be agreed upon between the said two railway Companies and approved of by a two-thirds majority of the shareholders of the said respective Companies at a general meeting thereof, respectively, specially called for the purpose.

2. Such union or amalgamation shall be expressly subject to any limitations or conditions imposed by any Act relating to the Erie and Niagara Railway Company, and to all the debts, obligations or liabilities of the said last mentioned Company, and to any rights in any suit or action then pending in any court.

3. Upon such union or amalgamation being completed, the Canada Southern Railway Company shall in all matters be substituted for the Erie and Niagara Railway Company, and shall and may possess, exercise and enjoy the said Erie and Niagara Railway, and the property, franchises, rights, powers and privileges of the Company as fully and effectually as the Erie and Niagara Railway Company immediately before such union or amalgamation.

4. The indenture to witness the said union or amalgamation shall be executed by the said respective Companies, parties thereto, in duplicate, and upon the filing of one part thereof in the office of the Secretary of State for Canada, such union and amalgamation shall be taken to be fully complete, and immediately after the filing of the said duplicate in the office of the Secretary of State a notice of that effect shall be published in the Official Gazette.
5. Subject to the debts and liabilities of the Erie and Niagara Railway Company at the time of such union or amalgamation the mortgage executed by the Canada Southern Railway Company bearing date the fifteenth day of December, one thousand eight hundred and seventy, to secure the issue of five million dollars of first mortgage bonds of the said Company, shall be and become the first charge upon and over all the Company's railways, works, rolling stock, plant, property and effects whatsoever, and now or at any time hereafter acquired, according to the tenor and effect of the said mortgage, including therein the interest of the Company in the said Erie and Niagara Railway.

6. The times limited by the Acts respecting the Canada Southern Railway Company or the Erie and Niagara Railway Company for completing the said original lines respectively, or any branch lines authorized by the said Acts or any of them, are hereby respectively extended for the period of three years after the passing of this Act.

An Act to legalize and confirm certain agreements made between The Niagara Falls International Bridge Company, The Niagara Falls Suspension Bridge Company, and the Great Western Railway Company.

WHEREAS The Niagara Falls International Bridge Company incorporated by an Act of the State of New York, The Niagara Falls Suspension Bridge Company, and the Great Western Railway Company, did on the first day of October, in the year of Our Lord one thousand eight hundred and fifty-three, execute and enter into a certain indenture and agreement bearing that date, whereby the said two Bridge Companies did demise and lease to the said Railway Company the railroad floor and structure of the Suspension Bridge across the Niagara River at or near the Town of Clifton, then the Village of Elgin, including all its supports, fixtures and gates excepting the sidewalks and their gates, for and during the continuance of the said Railway Company's Charter, which said indenture and agreement is set out in Schedule A to this Act;

And whereas the said three Companies have entered into two agreements bearing date respectively the eighteenth day of January, in the year of Our Lord one thousand eight hundred and seventy-two, and the twenty-seventh day of February, in the year of Our Lord one thousand eight hundred and seventy-five, in amendment and explanation of the said indenture of the first day of October in the year of Our Lord one thousand eight hundred and fifty-three, which said two agreements are respectively set out in Schedules B and C to this Act;

And whereas shortly after the first day of October in the year of Our Lord one thousand eight hundred and fifty-three, the said Railway Company did, under and in pursuance of the said indenture of that date, enter into possession of the said railroad floor and its said appurtenances and have ever since remained in possession thereof, and have performed all the terms and conditions of the said lease, as so amended, on their part;

And whereas doubts have been raised as to the power of the said Niagara Falls Suspension Bridge Company to enter into the said indenture, or demise the said railroad floor as in the said indentures and agreements mentioned, and the said Companies have by their petition prayed that all doubts as to the validity of the said indenture and agreements may be removed, and that the same may be declared legal, and it is expedient to grant the prayer of the said Petition;

Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—
1. The said indenture and agreement bearing date the first day of October, in the year of Our Lord one thousand eight hundred and fifty-three, the said agreement bearing date the eighteenth day of January, in the year of Our Lord one thousand eight hundred and seventy-two, and the said agreement bearing date the twenty-seventh day of February, in the year of Our Lord one thousand eight hundred and seventy-five, and which form respectively the Schedules A, B and C to this Act, are and each of them is hereby confirmed and declared to be and have been legal and valid, and all and singular the provisions, stipulations, covenants, and agreements, and all and singular the matters in the said indenture and agreement set out in Schedule A to this Act as amended and explained by the said agreements set out in Schedule B and C to this Act shall be valid and binding upon each of the said Companies, and in favor of the said two Bridge Companies, and of the said Railway Company respectively, and shall in all respects have the same force and effect as though the same were and every of them was expressly embodied in this Act.

2. It shall be lawful for The Great Western Railway Company to agree with any company, corporation, or persons using or proposing to use the said railroad floor of the said bridge and the approaches thereto as to the amount of tolls, rates or other remuneration to be paid to the Great Western Railway Company for such use, and to commute the same at any fixed or variable amount, or for a payment or payments in gross or for recurrent payments at fixed or variable periods, and any agreement so entered into between the Great Western Railway Company and such other company, corporation or persons for the use of the said railroad floor and approaches shall be legal, valid and binding, and under any such agreement, such Company, corporation or persons shall be entitled to the use of the said railroad floor and approaches according to the stipulations and conditions of such agreement.

3. It shall be lawful for the Great Western Railway Company to confine the use of the said railroad floor of the said bridge to railway traffic, and at their option to transport upon and across the said railroad floor of the said bridge, with their own servants and motive power, the cars and traffic of all such companies, corporations, and persons, as may use or propose to use said railroad floor of the said bridge, and to agree with any such company, corporation or person, as to the amount of tolls, rates or other remuneration to be paid to the Great Western Railway Company for such service, and to commute the same at any fixed or variable amount, or for a payment or payments in gross, or for recurrent payments at fixed or variable periods.

4. The agreement entered into between the Erie and Niagara Railway Company, and the Canada Southern Railway Company and the Great Western Railway Company, dated the twentieth day of March, one thousand eight hundred and seventy-five, and which forms Schedule D to this Act, is hereby declared legal, valid and binding.

SCHEDULE A.

This indenture, made and concluded this first day of October, in the year one thousand eight hundred and fifty-three.

Between the Niagara Falls International Bridge Company and the Niagara Falls Suspension Bridge Company jointly party of the first part, and the Great Western Railway Company in Canada West, party of the second part.

Whereas the parties of the first part are now constructing a Suspension Bridge across Niagara River, extending from the Village of Bellevue, in the State of New York, to the Village of Elgin, in Canada West, with two floors, the upper floor thereof being designed to pass railroad trains with locomotives, and the lower floor thereof for carriages, foot passengers and animals; the upper floor to have side walks for foot passengers, and gates to control the entrance upon the railroad floor and the side walks, and railing or lattice work on the inner margin of the side walks, so as to separate them from the railroad passway, and to have the entrance to the side walks separate from the entrance to the railway, in such a manner as to prevent foot passengers from going on to the railroad track.

And whereas, the parties of the first part are erecting said railroad bridge of such strength and stability, as to render it entirely safe and sufficient for the passage of heavy trains with locomotives, and purpose laying down rails with a gauge of four feet eight and one-half inches; one of five feet and six inches, and one of six feet, and to complete the whole at the earliest period which the safety of the structure will permit.

Now this indenture witnesseth, that the said parties of the first part in consideration of the rents, covenants and agreements of the party of the second part hereinafter contained, covenant and agree to and with the party of the second part, that they will with all convenient speed complete the structure above mentioned, and submit the same to proper tests, and the inspection of the Hon. H. H. Killaly, and in case of his inability to act, or declining to do so, to some other engineer competent, to be mutually agreed upon between the parties; in the event of the parties being unable to agree upon an engineer, each party to appoint one and the persons so appointed to select an umpire, who shall be satisfied of its capacity to carry engines, passenger and freight cars, at a moderate velocity, not exceeding five miles an hour; and when so finished and satisfactorily tested, to
lease and let, and the said parties of the first part, do hereby
lease and let to the said party of the second part, the railroad
floor and structure, including all its supports, fixtures and
gates, excepting the side walks and their gates, to be
for their entire use and under their control, for, and during
the continuance of their Charter, yielding and paying there-
for, the said parties of the first part the sum of forty-five thousand
dollars for each year, payable half-yearly, on the first days of
June and December, from and after the time the same shall
be tested and approved as aforesaid.

And the said parties of the second part, covenant and
agree to, and with the parties of the first part, that they will
forever hereafter, during the continuance of their charter,
except as hereinafter mentioned, yield and pay to the parties
of the first part, forty-five thousand dollars rent in each year,
payable half-yearly on the first days of June and December,
and keep the said floor, railway tracks, and all structures
and approaches appertaining to the same and so rented, in
good order, repair and condition, except the foot walks
and the gates approaching the same—accidents arising
from defect in the strength or structure of said bridge, and
accidents by fire also excepted. And it is expressly under-
stood that the strength and stability of the structure for
railway purposes as herein stated and described, shall be at
the risk of the said parties of the first part, and that the con-
ditions herein imposed upon the parties of the second part,
to keep the said floor in repair shall not apply to the cables,
or any other part of the bridge, affecting or pertaining to its
stability as a railway structure.

The parties of the second part may from time to time, and
as often as they may deem necessary, at their own cost and
charges, (provided the bridge should be reported on as safe.)
require that the said bridge or any part of the same be
examined and reported upon by competent engineers, which
engineers, if not mutually agreed upon, shall be selected,
one by each party, and the two so selected shall choose a
third; and should the said engineers or a majority of them
on examination, report that the said bridge cannot be
safety be used for railroad purposes, then the rent hereby
reserved shall cease from such time as said engineers shall
decide the same to be unsafe, until the said bridge shall be
strengthened and made safe, and be so determined by com-
petent engineers selected and chosen in the manner above
described, and when so determined the rent shall be again
resumed, and that during the period such rent shall cease
and be discontinued. All the passengers, baggage, freight,
&c., of the parties of the second part crossing said bridge,
shall be subject to such reasonable rates of toll as shall be
agreed upon between the parties. And if at any time here-
after the rent herein reserved or any part thereof, shall be
unpaid or remain due and unpaid to the parties of the first
part, for the space of thirty days after the same ought to be
paid, the parties of the first part shall be at liberty to end
this lease, and re-enter and take possession of the structure
and all its approaches and appendages, or may at their
option suffer this Indenture to continue in force and pro-
ceed by action to recover arrears of rent. But nothing in
this clause shall be construed to prevent the parties of the
first part from proceeding by action or otherwise to recover
arrears of rent at any time when due, and in case of re-entry
they shall not be prevented from prosecuting for arrears that
may remain due at the time of such re-entry.

For the purpose of making this covenant and agreement
more explicit and better understood, the following explana-
tions, provisions and stipulations are to become part of this
agreement, and each of the parties hereto covenant and
agree to the same as follows:

Article First.—The lower or carriage way of the bridge
and its approaches, and the sidewalks of the upper railroad
floor and their approaches, are to be under the control and
for the use of the parties of the first part; but are not to be
used in any manner to the hindrance or free and uncon-
trolled use of the railroad floor and its approaches by
the parties of the second part for railroad purposes.

Second.—The upper railroad floor of the bridge and struc-
ture, including all support, fixtures and gates, excepting the
side walks and their gates and approaches, are to be under the
control and for the use of the parties of the second part
for railroad purposes; said support and fixtures properly
belonging to, and sustaining the upper structure thereof.

Third.—The possession and use of said railroad structure
by the parties of the second part, is to carry with it the
exclusive right to extend to other companies and persons,
the privilege of crossing said railroad bridge with locomo-
tives, trains and cars carrying passengers and freight, on
such terms as they may agree to, subject, however, to the
conditions and restrictions prescribed in this Indenture to
the parties of the second part.

Fourth.—It is understood that the privilege hereby con-
voyed to the parties of the second part, is for the purpose of
passing locomotives and cars with freight and passengers,
in the prosecution of legitimate railroad business, and that
they are not to afford the means to any other person or per-
sons, except railroad passengers of crossing or evading the
payment of toll to the parties of the first part.

Fifth.—The parties of the second part to be responsible to
the parties of the first part, that the companies or individu-
als to whom they shall underlet, shall keep within the
restrictions and conditions contained in this Indenture, and
the parties of the second part shall have all the profits
accruing therefrom.

Sixth.—As it is believed that many of the railroad pas-
engers will prefer walking over said bridge, or going in omni-
buses or other carriages, to passing over the cars, the
parties of the first part agree to permit them so to pass over
their upper side walks and lower floor free, on their produc-
ing tickets from the Railroad Company, showing that they
are regular railroad passengers, and have come from, or are
going a distance of at least five miles east or west, to or from the bridge; but this permission is not to prevent the parties of the first part from charging the regular tolls upon the omnibuses or carriages carrying such railroad passengers. The meaning of this article, is, that the parties of the second part shall not carry passengers who are only passing from one side of the river to the other, and that they, and those to whom they underlet, shall not carry passengers over said bridge, nor give tickets to passengers, to pass the bridge who have not come, or are going, at least five miles to or from the bridge, and shall not give tickets to, nor carry persons who intend merely to pass the bridge, and are not thus travelling in their cars; but shall at all times adopt such reasonable regulations as may be necessary to prevent such evasions of the rights of the parties of the first part, to take tolls from all except legitimate railroad passengers. And if at any time the agents or employes of the parties of the second part, or those to whom they shall underlet, shall in any manner collude with persons to afford them the means of evading the rights of the parties of the first part, to take tolls; the parties of the second part, or those exercising the right under them, shall, on such collusion or evasion being made known to them, dismiss such agents or employes.

Seventh.—The parties of the second part agree to keep in good condition and repair the said railroad floor, railway tracks, and all approaches and structures appertaining to the same herein leased to them as aforesaid; but the stability and sufficiency of the bridge when completed, as a railway structure is guaranteed by the parties of the first part. And the parties of the first part also agree to keep the floor of the upper side walks and their approaches and the entire lower floor and its approaches and appendages in good condition and repair.

Eighth.—The parties of the second part are to permit under regulations made by them, of the running of a light car with locomotive or horse power, to convey omnibus passengers between the village of Niagara Falls and Table Rock, by the parties of the first part, but in a manner that shall not interfere with the rights above granted, to the parties of the second part, or any other Railroad Company having rights to pass said bridge under them.

Ninth.—The short railroad from Niagara, Canada West, to the Falls, and from Port Dalhousie to St. Catharines, which could not be expected to arrange with the parties of the second part, for transit across the bridge, upon a principal of per centage, to have it in their power to arrange with the parties of the second part at five cents per head for their railroad passengers, and a proportionally moderate fare for freight.

(The above ninth article abrogated by agreement of 18th January, 1872.)

Tenth.—No railroad locomotive or train to cross the bridge at a greater velocity than at the rate of five miles per hour; and no locomotive or cars to stop or remain on the bridge in passing over.

Eleventh.—The parties of the first part to allow the Directors and employes of the parties of the second part, and such other Railway Companies as they shall make arrangements with, free tickets to pass their bridge, and the parties of the second part shall allow from their own, and procure from the railroad companies with whom they shall arrange for the use of the bridge as aforesaid, free tickets for the Directors and officers of the parties of the first part to pass over their respective railways.

Twelfth.—It is believed that the carriage way of said bridge will be finished before the railway floor shall be completed, and in that case the parties of the first part are to allow the passengers and their baggage coming in the trains of the parties of the second part, to pass such new and present carriage bridge, at ten cents each, and freight at a reasonable rate to be agreed upon between the parties.

Thirteenth.—The parties of the second part shall not do, nor suffer any act or thing under this agreement, contrary to the charter of incorporation of either of the bridge companies aforesaid.

Fourteenth.—All taxes of every description and kind whatever, both upon the American and Canadian sides, to be paid by the parties of the first part.

In witness whereof, the parties of these presents have hereunto caused the seals of the respective companies to be affixed, and the same to be executed by their proper officers the day and year first above mentioned.

Signed, sealed and delivered in presence of

W. O. Buchanan. President Niagara Falls International Bridge Co.

W. Hamilton Merritt. [Seal] President Niagara Falls Suspension Bridge Co.

Witness

C. J. Bridgess. [Seal] Vice-President.

Vice-President.

SCHEDULE B

WHEREAS, differences of opinion have arisen between the parties of the first part and the parties of the second part in the annexed agreement as to the extent and nature of the repairs to be made under the seventh or other clauses of said agreement and by whom the said are to be made and borne:—

66—7
1st. For explanation thereof, it is hereby mutually understood and agreed upon that the parties of the second part shall, at their own expense, assume and make, and pay, and bear the cost of repairs of the track girders above and below the upper floor beams and also of the upper floor planking and of the covering thereof between the suspenders and within the towers extending about three feet from outside of said track girders, according to that part tinted red of the plan hereunto annexed, and shall renew the said girders and upper floor planking, and covering when necessary, and shall also be at the expense of repairing and renewing when necessary one fourth of the floor beams by repaying or refunding to the parties of the first part one fourth of the cost of such repairs and renewals.

2nd. It is further mutually understood and agreed upon that all such repairs, excepting those of the rails forming the tracks, shall be made when required by the Mechanical Engineer of the parties of the first part, and under his directions, and that the parties of the second part shall pay to the parties of the first part the reasonable cost of the same, on the production of the certificate of such Engineer.

3rd. All spans and approaches to the said bridge necessary for railway purposes, shall be kept and maintained at the expense of the parties of the second part except the masonry and the bridge stairs.

4th. The ninth clause in the annexed agreement is hereby abrogated and declared to be of no effect.

In witness whereof, the parties to these presents have hereunto caused the seals of their respective Companies to be affixed, and the same to be executed by their proper officers this eighteenth day of January, one thousand eight hundred and seventy-two.

Signed, sealed and delivered in presence of

LORENZO BURROWS, [Seal]  
As to the execution by W. M. G. SWAN, President Niagara Falls  
International Bridge Co.

THOMAS C. STREET, [Seal.]  
As to the execution by SAMUEL DICKIE, President Niagara Falls  
Suspension Bridge Co.

JOSEPH PRICE, [Seal.]  
By the GREAT WESTERN BOARD, Railway  
The GREAT WESTERN BOARD, Of Canada. By  
Secretary Canada Board.

SCHEDULE C.

This indenture made in duplicate the twenty-seventh day of February, in the year of Our Lord one thousand eight hundred and seventy-five, between the Niagara Falls International Bridge Company, hereinafter called the New York Bridge Company of the first part; the Niagara Falls Suspension Bridge Company hereinafter called the Canadian Bridge Company of the second part, and the Great Western Railway Company of Canada, hereinafter called the Railway Company of the third part:

WHEREAS, by an indenture bearing date the first day of October, in the year of Our Lord one thousand eight hundred and fifty-three, made between the New York Bridge Company, and the Canadian Bridge Company of the first part, and the Railway Company of the second part, the said Bridge Companies did lease to the Railway Company, for and during the continuance of its charter, the railroad floor and structure of the Suspension Bridge across the Niagara River extending from the Village of Bellevue, now the town of Suspension Bridge, in the State of New York, to the Village of Elgin, now the Town of Clifton, in the Dominion of Canada, including all the supports, fixtures and gates thereof, excepting the side walks and their gates, upon and according to the terms and provisions in the said indenture set forth, and reserving the yearly rent of forty-five thousand dollars, payable half yearly, on the first days of June and December, to the said Bridge Companies jointly;

And whereas, the said Bridge Companies and the said Railway Company, on the eighteenth day of January, in the year of Our Lord one thousand eight hundred and seventy-two, entered into an agreement bearing that date, in explanation and amendment of the said indenture of the first day of October, in the year of Our Lord one thousand eight hundred and fifty-three;

And whereas, doubts have been raised as to the validity of the said indenture of the first day of October, in the year of Our Lord one thousand eight hundred and fifty-three, and the Railway Company considering it desirable that such doubts should be removed, have agreed to increase the rent reserved by the said indenture of lease, from forty-five thousand dollars a year to fifty thousand dollars a year of lawful money of Canada, such increased rent to be computed from the first day of August now past, on condition that these presents shall be executed, and that the said indenture of lease, the said agreement, and this indenture shall be declared and made valid by Act of Parliament.

And the said Bridge Companies and the said Railway Company have agreed to execute these presents in confirmation of the said recited lease and agreement, and to secure the payment of the said increased rent;

And whereas, the parties to these presents have agreed to apply to the Parliament of the Dominion of Canada for an Act to declare and make the said lease and agreement, and this indenture valid;

Now, therefore, this indenture witnesseth, that in consideration of the premises and of the increased rent hereinafter reserved and made payable, the New York Bridge Company and the Canadian Bridge Company do, and each of them doth hereby confirm, assure, demise and lease unto

66—9
the Railway Company the said railroad floor and structure of the said Suspension Bridge, including all its supports, fixtures and gates (excepting the side walks and their gates) and all the tolls, rights, powers and franchises of the said Bridge Companies, and each of them in respect thereof.

To have and to hold the same unto and to the use of the said Railway Company, and under their sole control for and during the continuance of the charter of the Railway Company upon the terms, provisions and conditions in the said indenture of the first day of October, in the year of Our Lord one thousand eight hundred and fifty-three set forth, as explained and amended, by the said agreement of the eighteenth day of January, in the year of Our Lord one thousand eight hundred and seventy-two.

And the Railway Company hereby on the conditions hereinafter recited, covenant with the said New York Bridge Company and the Canadian Bridge Company, that hereafter when and so often as any half yearly payment of rent shall become due and payable to the said two Bridge Companies, under and by virtue of the said recited indenture of lease, they, the Railway Company, will pay to them such rent at the rate of fifty thousand dollars a year instead of at the rate in the said indenture mentioned, such increased rent to be computed from the first day of August last and be paid on the days and times in the said recited indenture mentioned.

And the said New York Bridge Company and the Canadian Bridge Company hereby jointly and severally covenant with the Railway Company, that they will join the Railway Company in an application to the Parliament of the Dominion of Canada for an Act of such Parliament to confirm and make valid the said indenture of lease, of the first day of October in the year of Our Lord one thousand eight hundred and fifty-three, the said agreement of the eighteenth day of January, in the year of Our Lord one thousand eight hundred and seventy-two.

And it is expressly understood and agreed between the parties to these presents that nothing herein contained shall operate or be taken as a surrender of the said indenture of the first day of October, in the year of Our Lord one thousand eight hundred and fifty-three, or of the term thereby created.

And it is hereby further agreed that the said rent shall in future be payable only at the City of Hamilton, in the Dominion of Canada.

And it is hereby expressly understood and agreed by and between the parties hereto, that if the application to the Dominion Parliament to make valid the said lease, the said agreement, and this indenture shall prove abortive, then these presents and everything herein contained shall be null and void, and the several parties hereto shall be placed in status quo ante this agreement.

In witness whereof the said Companies have hereunto affixed their corporate seals the day and year first above written.

Signed, sealed and delivered.

(Signed.) L. Burrows, [Seal.]
President Niagara Falls International Bridge Company.

(Signed.) Joseph A. Woodruff, [Seal.]
President Niagara Falls Suspension Bridge Company.

SCHEDULE D.

This Agreement made the twentieth day of March, in the year of Our Lord one thousand eight hundred and seventy-five.


Whereas by an indenture bearing date, the first day of October, in the year of Our Lord one thousand eight hundred and fifty-three, made between the Niagara Falls International Bridge Company, and the Niagara Falls Suspension Bridge Company of the one part, and "The Great Western" of the other part, the said Bridge Companies did among other things, lease to "The Great Western" the upper or railroad floor of the bridge spanning the Niagara River, at the town of Clifton, to be for the entire use and under the control of "The Great Western" during the continuance of its charter ("The Great Western " paying the rent thereof reserved) and giving to "The Great Western" the exclusive...
right to extend to other Companies and persons the privilege of crossing the said bridge with locomotives, trains and cars carrying passengers and freight on such terms as "The Great Western" and such companies or persons might agree to, but subject to the conditions and restrictions in the said indenture contained.

And whereas, the Attorney General of the Province of Ontario, on or about the fifth day of September, one thousand eight hundred and seventy-two, at the relation of "The Erie and Niagara," filed an information in the Court of Chancery for this Province, against the said Bridge Companies and "The Great Western," praying that it might be declared among other things that the said indenture of the first day of October, one thousand eight hundred and fifty-three was invalid and void.

And whereas the said Bridge Companies and "The Great Western" answered the said information denying the allegations therein made that it was not within their corporate powers to enter into the said indenture of the first day of October, one thousand eight hundred and fifty-three, and a certain agreement of the eighteenth day of January, one thousand eight hundred and seventy-two, amending the said indenture, and on the contrary contending that the said indenture and agreement were intra vires and valid.

And whereas by a decree of the said Court bearing date the fourth day of February, one thousand eight hundred and seventy-four, it was declared that the said agreement of the first day of October, in the year of Our Lord one thousand eight hundred and fifty-three was ultra vires and void so far as "The Great Western" and "The Niagara Falls Suspension Bridge Company" were concerned; but by the said decree the said information was dismissed as against the other Bridge Company.

And whereas "The Erie and Niagara" desiring to make a connection with the said bridge, applied to the Railway Committee of the Privy Council for and obtained an order of the said Committee bearing date the ninth day of June, one thousand eight hundred and seventy-four, authorizing them to make a crossing towards the said bridge upon certain lands of "The Great Western" in the said order described and referred to.

And whereas "The Erie and Niagara" having demanded, and having been refused possession of the said lands, they filed a Bill in the said Court to obtain possession thereof, and such proceedings were had that by a decree dated the nineteenth day of August, one thousand eight hundred and seventy-four, it was ordered that upon "The Erie and Niagara" paying into Court to the credit of the cause the sum of one thousand dollars (which was done) "The Great Western," should be restrained from preventing "The Erie and Niagara" from crossing and intersecting the lands mentioned or referred to in the said Bill, and from availing themselves of all conveniences necessary for establishing and maintaining a connection with the said bridge in so far as the crossing and intersection of the lands of "The Great Western" in the said Bill mentioned, might be necessary to enable "The Erie and Niagara" to form and maintain such connection, and from in any way interfering with "The Erie and Niagara" in making an approach to the said bridge over the said lands in accordance with the mode proposed in the said order of the Railway Committee of the Privy Council, and from preventing "The Erie and Niagara" entering upon the said premises.

And whereas "The Great Western" are advised that the said decree of the fourth day of February, one thousand eight hundred and seventy-four, and the said decree of the nineteenth day of August, one thousand eight hundred and seventy-four are erroneous and can be reversed, and with the view of having them reversed and having the said information and the said Bill dismissed, have set the said causes down for rehearing by the full Court, where they now stand for argument.

And whereas "The Great Western" and the said Bridge Companies on the twenty-seventh day of February, in the year of Our Lord one thousand eight hundred and seventy-five entered into a further agreement, having reference to the said bridge.

And whereas "The Canada Southern" also claims the right of crossing the said bridge and making connection therewith over the lands of "The Great Western." And whereas the parties hereto have lately agreed to compromise the matters in dispute between them.

Therefore these presents witness that the said parties hereto covenant and agree with one another, each for itself and not for the other, as follows:—

1. That the Great Western shall maintain the connection now existing between the tracks of the Great Western leading to and across the said Bridge, and the track of the Erie and Niagara and Canada Southern as now used by the Erie and Niagara and Canada Southern, for the prompt working of the Erie and Niagara and Canada Southern traffic over the said Bridge, or shall make and maintain some other connection, (which shall be suitable and serviceable for the like purpose, and shall be assented to by the Erie and Niagara and Canada Southern), between the Great Western tracks leading to the said bridge, and a track of the Erie and Niagara or Canada Southern which shall be laid by the Erie and Niagara or Canada Southern to such point of connection.

2. That the "Great Western," with the view of having the service performed promptly, shall, with its engines, haul and have the right to haul the "Erie and Niagara," and Canada Southern traffic to and fro across the said bridge, and shall haul the same from and on their Clifton (Canada) depot tracks and the depot tracks of the Erie Railway and New York Central Railroad Companies or any other Company at the said Suspension Bridge in the State of New York, (the Erie and Niagara and Canada Southern providing the
right of way over the Erie and New York Central and other Companies tracks) in manner following and for the following compensation, that is to say: the Erie and Niagara and Canada Southern shall pay per hour for the services of such engines as they want, at a reasonable rate which shall also include fuel, oil, waste, &c., and the actual wages paid to the necessary train men with the engines, which rate shall be adjusted from time to time by the Superintendents of the respective Companies. The Erie and Niagara and Canada Southern to contribute towards and pay to the “Great Western” the expense and cost of the bridge signal men, and of lamps and oil according to the per centage of business done by the respective Companies. Settlements to be made monthly.

3. That the said parties shall each contribute towards the payment of the rent which “The Great Western” may have to pay to the Bridge Companies in proportion to the number of cars belonging to them respectively, which may cross over the said bridge, and they shall also contribute in the same proportion towards the cost and expense of repairs to and maintenance of the said bridge, and the tracks, structures and approaches, and towards every other expenditure which the Great Western may incur or be put to under or by virtue of the said indenture of the first day of October, one thousand eight hundred and fifty-three, and the said agreements explaining or amending the same, and towards every other expenditure which may be agreed upon.

4. That settlements of the proportions of the rent so payable by the Erie and Niagara and Canada Southern respectively to the Great Western shall be made and the amounts paid monthly, based on the monthly business; and that settlements of the amounts payable by the Erie and Niagara and Canada Southern respectively to the Great Western for repairs and maintenance and other expenditure shall be made annually on the basis of the year's business, but payments on account thereof shall be made monthly by approximation, according to each month's business, and at the end of each year the state of the repairs, maintenance and other expenditure account shall be finally settled between the respective parties, and any money overpaid or due shall be paid to the parties respectively, who may have overpaid or to whom the same may be due.

5. That passenger or freight trains belonging to the said parties respectively which are ready to be taken across the said bridge shall be taken across the said bridge in the order of their arrival, without preference or priority to any of the parties, but passenger trains shall have the right of precedence in crossing over freight trains; loaded passenger trains over empty passenger trains, and live stock over other freights.

6. That the respective parties shall furnish necessary sidings on their grounds for yardage of cars and making up of trains for their respective businesses so that there may be no delay in running trains at any time to and fro, and that they will do all other acts that may be necessary for the proper despatch of business.

7. That if at any time the Great Western shall fail to do the work of hauling trains across the said bridge with proper despatch, the Erie and Niagara and Canada Southern shall respectively be at liberty at such times to perform this service for their respective trains with their own engines and train men.

8. The Erie and Niagara and Canada Southern shall join the Great Western in the endeavor to secure legislation to legalize and declare valid the said lease of the first day of October, one thousand eight hundred and fifty-three, and the agreements of the eighteenth day of January, one thousand eight hundred and seventy-two, and the twentieth day of February, one thousand eight hundred and seventy-five, between the parties to the said lease and referring thereto and to the said bridge.

9. In the event of the said lease and agreements being so legalized, this agreement shall be co-extensive with the existence of the tenancy of the Great Western or its assigns thereunder, but if the lease of the Great Western shall at any time be determined by an Act of the Great Western, then the Erie and Niagara and Canada Southern shall be entitled to the easements authorized by the order of the Railway Committee of the Privy Council of the ninth day of June, one thousand eight hundred and seventy-four, and to make connection with the bridge over the lands of the Great Western in the manner herein indicated, and in that event the Great Western shall restore and recover any rights, titles, properties or easements which they may have acquired under the tenth paragraph of this agreement.

10. Upon the legalizing of the said lease and agreements the Erie and Niagara shall vacate the said decrees, or procure the same to be vacated, and shall procure the said information and the said Bill to be dismissed, and shall abandon all proceedings taken in the premises, and they and the Canada Southern shall release, surrender, grant and convey to the Great Western all and every right, title, property and easement which they or either of them possess or have acquired or become entitled to in respect of the lands in the said Bill mentioned, or under or by virtue of any of the orders, decrees or proceedings hereinafter referred to, and the Erie and Niagara and Canada Southern shall each release and discharge the Great Western from every claim and demand of them and each of them for or in respect of or arising out of any delay or hindrance to them or either of them in transporting their traffic or having the same transported across or vía the said bridge, or in obtaining the possession or use of the right to cross the said bridge, or the said piece of land in the said Bill mentioned.

11. All parties shall bear their own costs of the said suits and proceedings, and the Erie and Niagara and Canada Southern shall pay the costs of the Attorney-General, if any.
This agreement shall take effect and operate as if made and entered into on the twenty-fifth day of August last.

13. The number of cars to be taken across the said bridge in one train shall be subject to the regulation from time to time of the Chief Engineer of the Great Western, so however that the same regulations shall apply to all persons and companies whose cars and traffic shall be transported across the said bridge, and such regulations may discriminate between the classes of cars and traffic and between loaded and empty cars.

14. The Erie and Niagara and Canada Southern shall allow and give the Directors and Officers of the said Bridge Companies, free tickets to pass over their respective railways.

15. That neither the Erie and Niagara nor the Canada Southern shall do, suffer or permit any act or thing which by agreement with the Bridge Companies the Great Western or their sub-lessees are not to do, suffer or permit, and the rights of the Erie and Niagara and Canada Southern under this agreement shall be subject to, and they the Erie and Niagara and Canada Southern shall and will observe all the restrictions and regulations which under any agreement with the Bridge Companies are to be observed by the Great Western or their sub-lessees.

16. That the stability and strength of the structure for railway purposes is not guaranteed by the Great Western, and the use of the same is at the sole risk of the Canada Southern and Erie and Niagara respectively.

17. That during any period of time when the Great Western may cease or suspend the hauling of its traffic over the said bridge until the safety of the same shall have been ascertained or until the bridge shall be strengthened and made safe, the rights of the Erie and Niagara and Canada Southern respectively under this agreement shall be suspended.

18. And the several parties hereto do further agree each with the other, that neither party shall be liable to any person or persons whomsoever, for or in respect of any injury to the persons of the persons of the agents, servants or employees of the other or others, whether caused by negligence or otherwise, and nothing in this clause shall be taken as an agreement implied or otherwise on the part of either of the Companies to indemnify the other. Companies or either of them, against any claim made against any of the parties hereto for any such injury by the agents, servants or employees of any of them, or any person or persons claiming under or in respect of such agents, servants or employees.

In witness whereof the parties hereto have hereunto affixed their respective Corporate Seals the day and year first above written.

12. This agreement shall take effect and operate as if made and entered into on the twenty-fifth day of August last.

13. The number of cars to be taken across the said bridge in one train shall be subject to the regulation from time to time of the Chief Engineer of the Great Western, so however that the same regulations shall apply to all persons and companies whose cars and traffic shall be transported across the said bridge, and such regulations may discriminate between the several classes of cars and traffic and between loaded and empty cars.

14. The Erie and Niagara and Canada Southern shall allow and give the Directors and Officers of the said Bridge Companies, free tickets to pass over their respective railways.

15. That neither the Erie and Niagara nor the Canada Southern shall do, suffer or permit any act or thing which by agreement with the Bridge Companies the Great Western or their sub-lessees are not to do, suffer or permit, and the rights of the Erie and Niagara and Canada Southern under this agreement shall be subject to, and they the Erie and Niagara and Canada Southern shall and will observe all the restrictions and regulations which under any agreement with the Bridge Companies are to be observed by the Great Western or their sub-lessees.

16. That the stability and strength of the structure for railway purposes is not guaranteed by the Great Western, and the use of the same is at the sole risk of the Canada Southern and Erie and Niagara respectively.

17. That during any period of time when the Great Western may cease or suspend the hauling of its traffic over the said bridge until the safety of the same shall have been ascertained or until the bridge shall be strengthened and made safe, the rights of the Erie and Niagara and Canada Southern respectively under this agreement shall be suspended.

18. And the several parties hereto do further agree each with the other, that neither party shall be liable to any person or persons whomsoever, for or in respect of any injury to the persons of the persons of the agents, servants or employees of the other or others, whether caused by negligence or otherwise, and nothing in this clause shall be taken as an agreement implied or otherwise on the part of either of the Companies to indemnify the other. Companies or either of them, against any claim made against any of the parties hereto for any such injury by the agents, servants or employees of any of them, or any person or persons claiming under or in respect of such agents, servants or employees.

In witness whereof the parties hereto have hereunto affixed their respective Corporate Seals the day and year first above written.

12. This agreement shall take effect and operate as if made and entered into on the twenty-fifth day of August last.

13. The number of cars to be taken across the said bridge in one train shall be subject to the regulation from time to time of the Chief Engineer of the Great Western, so however that the same regulations shall apply to all persons and companies whose cars and traffic shall be transported across the said bridge, and such regulations may discriminate between the several classes of cars and traffic and between loaded and empty cars.

14. The Erie and Niagara and Canada Southern shall allow and give the Directors and Officers of the said Bridge Companies, free tickets to pass over their respective railways.

15. That neither the Erie and Niagara nor the Canada Southern shall do, suffer or permit any act or thing which by agreement with the Bridge Companies the Great Western or their sub-lessees are not to do, suffer or permit, and the rights of the Erie and Niagara and Canada Southern under this agreement shall be subject to, and they the Erie and Niagara and Canada Southern shall and will observe all the restrictions and regulations which under any agreement with the Bridge Companies are to be observed by the Great Western or their sub-lessees.

16. That the stability and strength of the structure for railway purposes is not guaranteed by the Great Western, and the use of the same is at the sole risk of the Canada Southern and Erie and Niagara respectively.

17. That during any period of time when the Great Western may cease or suspend the hauling of its traffic over the said bridge until the safety of the same shall have been ascertained or until the bridge shall be strengthened and made safe, the rights of the Erie and Niagara and Canada Southern respectively under this agreement shall be suspended.

18. And the several parties hereto do further agree each with the other, that neither party shall be liable to any person or persons whomsoever, for or in respect of any injury to the persons of the persons of the agents, servants or employees of the other or others, whether caused by negligence or otherwise, and nothing in this clause shall be taken as an agreement implied or otherwise on the part of either of the Companies to indemnify the other. Companies or either of them, against any claim made against any of the parties hereto for any such injury by the agents, servants or employees of any of them, or any person or persons claiming under or in respect of such agents, servants or employees.

In witness whereof the parties hereto have hereunto affixed their respective Corporate Seals the day and year first above written.

12. This agreement shall take effect and operate as if made and entered into on the twenty-fifth day of August last.

13. The number of cars to be taken across the said bridge in one train shall be subject to the regulation from time to time of the Chief Engineer of the Great Western, so however that the same regulations shall apply to all persons and companies whose cars and traffic shall be transported across the said bridge, and such regulations may discriminate between the several classes of cars and traffic and between loaded and empty cars.

14. The Erie and Niagara and Canada Southern shall allow and give the Directors and Officers of the said Bridge Companies, free tickets to pass over their respective railways.

15. That neither the Erie and Niagara nor the Canada Southern shall do, suffer or permit any act or thing which by agreement with the Bridge Companies the Great Western or their sub-lessees are not to do, suffer or permit, and the rights of the Erie and Niagara and Canada Southern under this agreement shall be subject to, and they the Erie and Niagara and Canada Southern shall and will observe all the restrictions and regulations which under any agreement with the Bridge Companies are to be observed by the Great Western or their sub-lessees.

16. That the stability and strength of the structure for railway purposes is not guaranteed by the Great Western, and the use of the same is at the sole risk of the Canada Southern and Erie and Niagara respectively.

17. That during any period of time when the Great Western may cease or suspend the hauling of its traffic over the said bridge until the safety of the same shall have been ascertained or until the bridge shall be strengthened and made safe, the rights of the Erie and Niagara and Canada Southern respectively under this agreement shall be suspended.

18. And the several parties hereto do further agree each with the other, that neither party shall be liable to any person or persons whomsoever, for or in respect of any injury to the persons of the persons of the agents, servants or employees of the other or others, whether caused by negligence or otherwise, and nothing in this clause shall be taken as an agreement implied or otherwise on the part of either of the Companies to indemnify the other. Companies or either of them, against any claim made against any of the parties hereto for any such injury by the agents, servants or employees of any of them, or any person or persons claiming under or in respect of such agents, servants or employees.

In witness whereof the parties hereto have hereunto affixed their respective Corporate Seals the day and year first above written.
matter as the same is prescribed or provided for in the Special Act; and the sentence in which such word occurs shall be construed as if, instead of the word “prescribed,” the expression “prescribed for that purpose in the Special Act,” had been used;

“The Lands” 3. The expression “the lands” shall mean the lands which, by the Special Act, are authorized to be taken or used for the purpose thereof;

“The undertaking.” 4. The expression “the undertaking” shall mean the Railway and works, of whatever description, by the Special Act authorized to be executed;

5. The following words and expressions, both in this and the Special Act, shall have the meanings hereby assigned to them, unless there is something in the subject or context repugnant to such construction, that is to say:

“The lands.” 6. The word “lands” shall include all real estate, messuages, lands, tenements and hereditaments of any tenure;

“Lease” 7. The word “lease” shall include any agreement for a lease;

“Toll.” 8. The word “toll” shall include any rate or charge or other payment payable under this Act or the Special Act for any passenger, animal, carriage, goods, merchandise, articles, matters or things conveyed on the Railway;

“Goods.” 9. The word “goods” shall include things of every kind conveyed upon the Railway, or upon steam or other vessels connected therewith;

“Superior Courts.” 10. The expression “superior courts” shall mean the Courts of Chancery, Queen’s Bench and Common Pleas in Upper Canada, and the Superior Court in Lower Canada, as the case may be;

“County.” 11. The word “county” shall include any union of counties, county riding, or like division of a county in the Province, or any division thereof into separate Municipalities in Lower Canada;

“Highways” 12. The word “highways” shall mean all public roads, streets, lanes, and other public ways and communications;

“Sheriff.” 13. The word “sheriff” shall include under sheriff, or other legal competent deputy; and where any matter in relation to any lands is required to be done by any sheriff or clerk of the peace, the expression “the sheriff,” or the expression “clerk of the peace,” shall in such case be construed to mean the sheriff or clerk of the peace of the district, county, riding, division, or place where such lands are situate; and if the lands in question, being the property of one and the same party, be situate not wholly in one district, county, riding, division or place, the same expression shall be construed to mean the sheriff or clerk of the peace of any such district, county, riding, division, or place where any part of such lands are situate;

14. The word “justice” shall mean justice of the peace acting for the district, county, riding, division, city or place where the matter requiring the cognizance of a justice arises, and who is not interested in the matter; and where the matter arises in respect of lands being the property of one and the same party, situate wholly in any one district, county, riding, division, city or place, the word “justice” shall mean a justice acting for the district, county, riding, division, city or place where any part of such lands are situate, and who is not interested in such matter; and where any matter is authorized or required to be done by two justices, the expression “two justices” shall be understood to mean two justices assembled and acting together;

15. The word “owner” where, under the provisions of this Act or the Special Act any notice is required to be given to the owner of any lands, or where any act is authorized or required to be done with the consent of any such owner, shall be understood to mean any Corporation or person who, under the provisions of this Act, or the Special Act, or any Act incorporated therewith, would be enabled to sell and convey lands to the Company;

16. The expression “the Company” shall mean the Company or party authorized by the Special Act to construct the Railway;

17. The expression “the Railway” shall mean the Railway and works by the Special Act authorized to be constructed;

18. The word “clause” shall mean any separate section of this Act, or any other Act therein referred to distinguished by a separate number;

19. The word “shareholder” shall mean every subscriber to or holder of stock in the undertaking, and shall extend to and include the personal representatives of the shareholder.

3. INCORPORATION.

8. Every Company established under any Special Act shall be a body corporate under the name declared in the Special Act.
Act, declared to be bodies corporate, &c.; and shall be invested with all the powers, privileges and immunities necessary to carry into effect the intentions and objects of this Act, and of the Special Act therefor, and which are incident to such Corporation, as are expressed or included in the Interpretation Act.


9. The Company shall have power and authority:

Firstly. To receive, hold and take all voluntary grants and donations of land or other property made to it, to aid in the construction, maintenance and accommodation of the Railway, but the same shall be held and used for the purposes of such grants or donations only;

Secondly. To purchase, hold and take of any Corporation or person or any land or other property necessary for the construction, maintenance, accommodation and use of the Railway, and also to alienate, sell or dispose of the same.

Thirdly. No Railway Company shall take possession of, use or occupy any lands vested in Her Majesty, without the consent of the Governor in Council; but with such consent any such Company may take and appropriate for the use of their Railway and works, but not alienate, so much of the wild lands of the Crown lying on the route of the Railway as have not been granted or sold, and as may be necessary for such Railway, as also so much of the public beach or of the land covered with the waters of any lake, river, stream or canal, or of their respective beds, as is necessary for making and completing and using their said Railway and works, but nothing in this subsection contained shall apply to the thirty and thirty-first paragraphs of the eleventh section of this Act.

Fourthly. To make, carry or place the Railway across or upon the lands of any Corporation or person on the line of the Railway, or within the distance from such line stated in the Special Act, although, through error or other cause, the name of such party has not been entered in the Book of Reference hereinafter mentioned, or although some other party has been erroneously mentioned as the owner of, or entitled to convey, or is interested in, such lands;

Fifthly. To construct, maintain and work the Railway across, along or upon any stream of water, water course, canal, highway or railway which it intersects or touches: but the stream, water course, highway, canal or railway so intersected or touched, shall be restored by the Company to its former state, or to such state as not to impair its usefulness;

Sixthly.

Seventhly. To erect and maintain all necessary and convenient buildings, stations, depots, wharves and fixtures, and, from time to time to alter, repair or enlarge the same, and to purchase and acquire stationary or locomotive engines and carriages, wagons, floats and other machinery and contrivances necessary for the accommodation and use of the passengers, freights and business of the Railway;

Eighthly. To make branch railways, if required and provided for, and to manage the same, and for that purpose to exercise all the powers, privileges and authorities necessary therefor, in as full and ample a manner as for the railway;

Ninthly. To construct, erect and make all other matters and things necessary and convenient for the making, extending, using of the railway, in pursuance of and according to the meaning and intent of this Act, and of the Special Act;

Tenthly. To take, transport, carry and convey persons and goods on the railway, to regulate the time and manner in which the same shall be transported, and the tolls and compensation to be paid therefor, and to receive such tolls and compensation;

Eleventhly. To borrow from time to time, either in this province or elsewhere, such sums of money as may be expedient for completing, maintaining and working the Railway, and at a rate of interest not exceeding eight per cent, per annum, and to make the bonds, debentures or other securities granted for the sums so borrowed, payable either in currency or in sterling, at such place or places within this Province or without as may be deemed advisable, and to sell the same at such prices or discount as may be deemed expedient, or be necessary, and to hypothecate, mortgage or pledge the lands, tolls, revenues and other property of the Company for the due payment of the said sums and the interest thereon, but no such debenture shall be for a less sum than one hundred dollars;

Twelfthly. To enter into and upon any lands of Her Majesty without previous license thereof, or into and upon the lands of any Corporation or person whatsoever lying in the intended route or line of the Railway;

Thirteenthly.
CAP. 66. 24 22 VICT. 1859.

Provincial Secretary, or to the clerks of the peace, at the rate of ten cents for every hundred words;

Fourthly. The triplicates of such map or plan and Book of Reference so certified, or a true copy thereof certified by the Provincial Secretary, or by the clerks of the peace, shall be good evidence in any court of law and elsewhere;

Fifthly. Any omission, misstatement or erroneous description of such lands, or of the owners or occupiers thereof, in any map or plan or Book of Reference, may, after giving ten days' notice to the owners of such lands, be corrected by two justices on application made to them for that purpose, and if it appears to them that such omission, misstatement or erroneous description arose from mistake, the justices shall certify the same accordingly;

Sixthly. The certificate shall state the particulars of any such omission, and the manner thereof, and shall be deposited with the clerks of the peace of the district or counties respectively in which such lands are situate, and kept by them along with the other documents to which they relate; and thereupon such map or plan or Book of Reference shall be deemed to be corrected according to such certificate; and the Company may make the Railway in accordance with the certificate;

Seventhly. If any alterations from the original plan or survey are intended to be made in the line of course of the Railway, a plan and section in triplicate of such alterations as have been approved of by Parliament, on the same scale and containing the same particulars as the original plan and survey shall be deposited in the same manner as the original plan, and copies or extracts of such plan and section so far as relate to the several districts or counties in or through which such alterations have been authorized to be made, shall be deposited with the clerks of such districts and counties;

Eighthly. Until such original map or plan and Book of Reference, or the plans and sections of the alterations, have been so deposited, the execution of the Railway, or the part thereof affected by the alterations, as the case may be, shall not be proceeded with;

Ninthly. The clerks of the peace shall receive and retain the copies of the original plans and surveys, and copies of the plans and sections of alterations, and copies and extracts thereof, respectively, and shall permit all persons interested to inspect any of the documents aforesaid, and to make copies and extracts of and from the same, under a penalty for default of four dollars;

Tenthly.
Copies certified by Clerk to be good evidence in Courts.

Firstly. The copies of the maps, plans and Books of Reference, or for any alteration or correction thereof, or extracts therefrom, certified by the clerk of the peace, shall be received in all courts of justice or elsewhere as good evidence of the contents thereof, and the clerk of the peace shall give such certificate to all parties interested when required;

Line not to deviate more than a mile.

Eleventhly. No deviation of more than one mile from the line of the Railway, or from the places assigned thereto, in the said map or plan and Book of Reference or plans or sections, shall be made into, through, across, under or over any part of the lands not shewn in such map or plan and Book of Reference, or plans of sections, or within one mile of the said line and place, save in such instances as are provided for in the Special Act;

Error in the name of a person entered in a Book of Reference.

Twelfthly. The Railway may be carried across or upon the lands of any person on the line, or within the distance from such line as aforesaid, although the name of such person has not been entered in the Book of Reference through error or any other cause, or although some other person is erroneously mentioned as the owner of, or entitled to convey, or is interested in, such lands;

Extents of lands to be taken without consent of proprietor.

Thirteenthly. The lands which may be taken without the consent of the proprietor thereof, shall not exceed thirty yards in breadth, except in places where the Railway is raised more than five feet higher, or cut more than five feet deeper than the surface of the line, or where offsets are established, or where stations, depots or fixtures are intended to be erected, or goods are to 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 person authorized to convey such lands; and the places at which such extra breadth is to be taken, shall be shewn on the map or plan, or plans or sections, so far as the same may be then ascertained, but their not being so shewn shall not prevent such extra breadth from being taken, provided it be taken upon the line shewn or within the distance aforesaid from such line;

Extents of public beach to be taken.

Fourteenthly. The extent of the public beach, or of the land covered with the waters of any river or lake in this Province, taken for the Railway, shall not exceed the quantity limited in the next preceding clause.

6. LANDS AND THEIR VALUATION.

Amended by 24 Vic. cap. 51, sec. 10.

Firstly. The conveyance of lands, the valuation and the compensation therefor, shall be made in manner following:—

Firstly. All Corporations and persons whatever, tenants in tail or for life, guardsians, curators, executors, administrators, and all other trustees 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-covert, or other persons, seized, possessed of or interested in any lands; may contract for, sell and convey unto the Company, all or any part thereof; and any contract, agreement, sale, conveyance and assurance so made, shall be valid and effectual in law to all intents and purposes whatsoever; and the Corporation or person, so conveying, is hereby indemnified for what he or it respectively does by virtue of or in pursuance of this Act;

Secondly. Any contract or agreement made by any party Effect of contracts made before deposit of map.

Thirdly. All Corporations or persons who cannot, in common course of law, sell or alienate any lands 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; and if the amount of the rent is not fixed by voluntary agreement or compromise, it shall be fixed and all proceedings shall be regulated in the manner herein prescribed; and for the payment of the said annual rent, and every other annual rent agreed upon or ascertained, and to be paid for the purchase of any lands, or for any part of the purchase money of any lands, which the vendor agrees to leave unpaid, the Railway and the tolls thereon shall be liable and chargeable in preference to all other claims and demands thereon whatsoever, the deed creating such charge and liability being duly registered in the registry office of the proper county;

Fourthly. Whenever there is more than one party proprietor of any land as joint tenant or tenants in common, or par indivis, any contract or agreement made in good faith with any party or parties, proprietors or being together proprietors of one third or more of such land, as to the amount of compensation for the same or for any damages thereto, shall be binding

1859.
binding as between the remaining proprietor or proprietors as joint tenant or tenants in common and *par indivis*; and the proprietor or proprietors who have so agreed, may deliver possession of such lands, or empower the entry upon the same, as the case may be;

*Fifthly.* After one month from the deposit of the map or plan and Book of Reference, and from notice thereof in at least one newspaper, if there be any, published in each of the districts and counties through which the Railway is intended to pass, application may be made to the owners of lands or to parties empowered to convey lands, or interested in lands which may suffer damage from the taking of materials or the exercise of any of the powers granted for the Railway, and thereupon agreements and contracts may be made with such 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 such compensation shall be ascertained, as may seem expedient to both parties, and in case of disagreement between them, or any of them, then all questions which arise between them shall be settled as follows, that is to say:

*Sixthly.* The deposit of a map or plan and Book of Reference, and the notice of such deposit, shall be deemed a general notice to all such parties as aforesaid of the lands which will be required for the said Railway and works;

*Seventhly.* The notice served upon the party shall contain:

1. A description of the lands to be taken, or of the powers intended to be exercised with regard to any lands, describing them;

2. A declaration of readiness to pay some certain sum or rent, as the case may be, as compensation for such lands or for such damages; and

3. The name of a person to be appointed as the arbitrator of the Company, if their offer be not accepted; and such notice shall be accompanied by the certificate of a sworn surveyor for Upper Canada or Lower Canada, as the case may be, disinterested in the matter, and not being the arbitrator named in the notice:

   1. That the land, if the notice relate to the taking of land shewn on the said map or plan is required for the Railway, or is within the limits of deviation hereby allowed;

   2. That he knows the land, or the amount of damage likely to arise from the exercise of the powers; and

3. That the sum so offered is, in his opinion, a fair compensation for the land, and for the damages aforesaid;

*Eighthly.* If the opposite party is absent from the district or county in which the lands lie, or is unknown, then, upon application to a judge of the circuit court, or of the county court, as the case may be, accompanied by such certificate as aforesaid, and by an affidavit of some officer of the Company that the opposite party is so absent, or that after diligent enquiry, the party on whom the notice ought to be served cannot be ascertained, the judge shall order a notice as aforesaid, but without a certificate, to be inserted three times in the course of one month in some newspaper published in the said district or county;

*Ninthly.* If within ten days after the service of such notice, or within one month after the first publication thereof as aforesaid, the opposite party does not notify to the Company his acceptance of the sum offered by them, or notify to them the name of a person whom he appoints as arbitrator; then the judge shall, on the application of the Company, appoint a sworn surveyor for Upper or Lower Canada, as the case may be, to be sole arbitrator for determining the compensation to be paid as aforesaid;

*Tenthly.* If the opposite party, within the time aforesaid, notifies to the Company the name of his arbitrator, then the two arbitrators shall jointly appoint a third, or if they cannot agree upon a third, then the judge shall, on the application of the party or of the company (previous notice of at least one clear day having been given to the other party), appoint a third arbitrator;

*Eleventhly.* The arbitrators, or any two of them, or the sole arbitrator, being sworn before some justice of the peace for the district or county in which the lands lie, faithfully and impartially to perform the duties of their office, shall proceed to ascertain the said compensation in such way as they or he, or a majority of them, deem best, and the award of such arbitrators or any two of them, or of the sole arbitrator, shall be final and conclusive: But no such award shall be made, or any official act be done by such majority, except at a meeting held at a time and place of which the other arbitrator has had at least one clear day's notice, or to which some meeting at which the third arbitrator was present, had been adjourned; and no notice to either of the parties shall be necessary, but each party shall be held sufficiently notified through the arbitrator appointed by him, or whose appointment he required;

*Twelfthly.* If in any case where three arbitrators have been appointed, the sum awarded is not greater than that offered, paid;
Arbitrators may examine on oath.

The arbitrators, or a majority of them, or the sole arbitrator, may examine on oath or solemn affirmation, the parties, or such witnesses as voluntarily appear before him, or them, and may administer such oath or affirmation; and any wilfully false statements made by any witness, under such oath or affirmation, shall be deemed wilful and corrupt perjury, and punishable accordingly;

Time within which award must be made.

Fourteenthly. The judge, by whom any third arbitrator or sole arbitrator is appointed, shall, at the same time, fix a day on or before which the award shall be made, and if the same is not made on or before such day, or some other day to which the time for making it has been prolonged, either by the consent of the parties, or by the order of the judge (as it may be for reasonable cause shown, on the application of such sole arbitrator or of 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;

Fifteenthly. If the arbitrator appointed by such judge, or if any arbitrator appointed by the parties, dies before the award has been made, or is disqualified, or refuses or fails to act within a reasonable time, then, in the case of the arbitrator appointed by the judge upon the application of either party, such judge being satisfied by affidavit or otherwise of such death, disqualification, refusal or failure, may appoint another arbitrator in his place, and the Company and party respectively may each appoint an arbitrator in the place of his arbitrator deceased or otherwise not acting as aforesaid, but no recommencement or repetition of prior proceedings shall be required in any case;

Company may desist paying costs.

Sixteenthly. Any such notice for lands, as aforesaid, may be desisted from, and new notice given, with regard to the same or other lands, to the same or any other party, but in any such case the liability to the party first notified for all damages or costs by him incurred in consequence of such first notice and desistment shall subsist;

Arbitrators not disqualified unless personally interested.

Seventeenthly. The surveyor or other person, offered or appointed as valuator or as arbitrator, shall not be disqualified by reason that he is professionally employed by either party, or that he has previously expressed an opinion as to the amount of compensation, or that he is related or of kin to any member of the Company, provided he is not himself personally interested in the amount of the compensation; and no cause of disqualification.
within one month after the making of the award, with interest from the time at which possession is given, and with such costs as may be lawfully payable by the Company;

Twenty-secondly. The compensation for any lands which might be taken without the consent of the proprietor, shall stand in the stead of such lands; and any claim to or incumbrance upon the said lands, or any portion thereof, shall, as against the Company, be converted into claim to the compensation, or to a like proportion thereof, and they shall be responsible accordingly whenever they have paid such compensation, or any part thereof, to a party not entitled to receive the same, saving always their recourse against such party;

As to incumbrances, &c, purchased, or taken in U.C.

Twenty-thirdly. If the Company has reason to fear any claims or incumbrances, or if any party to whom the compensation or annual rent, or any part thereof, is payable, refuses to execute the proper conveyance and guarantee, or if the party entitled to claim the same cannot be found or is unknown to the Company, or if, for any other reason, the Company deems it advisable, the Company may, if the lands are situated in Upper Canada, pay such compensation into the office of either of the Superior Courts for Upper Canada, with the interest thereon for six months, and may deliver to the Clerk of the Court an authentic copy of the conveyance, or of the award or agreement, if there be no conveyance, and such award or agreement shall thereafter be deemed to be the title of the Company, to the land therein mentioned;

twenty-fourthly. A notice, in such form and for such time as the said Court appoints, shall be inserted in some newspaper, if there be any, published in the county in which the lands are situate, and in the City of Toronto, which 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 the lands or any part thereof, or representing or being the husband of any party so entitled, to file their claims to the compensation, or any part thereof, and all such claims shall be received and adjudged upon by the Court, and the said proceedings shall forever bar all claims to the lands or any part thereof, or representing or being the husband of any party so entitled, to file their claims to the compensation, or any part thereof, and all such claims shall be received and adjudged upon by the Court;

Twenty-fifthly. The costs of the proceedings, or any part thereof, shall be paid by the Company, or by any other party, as the Court may deem it equitable to order;

Twenty-sixthly. If such order of distribution as aforesaid be obtained in less than six months from the payment of the compensation into Court, the Court shall direct a proportionate part of the interest to be returned to the Company, and if from any error, fault or neglect of the Company, it is not obtained until after the six months have expired, the Court shall order the Company to pay to the proper claimants the interest for such further period as may be right;

Twenty-seventhly. If the lands so taken are situate in Lower Canada, and if the Company have reason to fear any such claim, mortgage, hypothec or incumbrance, or if any party to whom the compensation or annual rent, or any part thereof, is payable, refuses to execute the proper conveyance and guarantee, or if the party entitled to claim the compensation or rent cannot be found, or is unknown to the Company, or if for any other reason the Company deems it advisable, the Company may pay such compensation into the hands of the Prothonotary of the Superior Court for the district in which the land is situate, with the interest thereon for six months, and may deliver to the said Prothonotary an authentic copy of the conveyance, or of the award, if there be no conveyance, and such award 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 or award) is under this Act, and shall call upon all persons entitled to the lands or any part thereof, or representing or being the husband of any party so entitled, to file their claims to the compensation, or any part thereof, and all such claims shall be received and adjudged upon by the Court;

Twenty-eighthly. Such judgment of confirmation shall forever bar all claims to the land, or any part thereof (including dower not yet open) as well as any mortgage, hypothec or incumbrance upon the same; and the Court shall make such order for the distribution, payment or investment of the compensation, and for the security of the rights of all parties interested, as to right and justice, and the Special Act, and according to the provisions of this Act, and to law, shall appertain;

Twenty-ninethly. The costs of the said proceedings, or any part thereof, shall be paid by the Company, or by any other party, as the Court deem it equitable to order; and if judgment of confirmation be obtained in less than six months from the payment of the compensation to the Prothonotary, the Court shall direct a proportionate part of the interest to be returned.
The case of Railway passing through Indian lands provided for.

Thirtiethly. If the Railway passes through any land belonging to or in possession of any tribe of Indians in this Province, or if any act occasioning damage to their lands be done under the authority of this Act, or the Special Act, compensation shall be made to them therefor, in the same manner as is provided with respect to the lands or rights of other individuals; and whenever it is necessary that arbitrators shall be chosen by the parties, the chief officer of the Indian department within this Province is hereby authorized and required to name an arbitrator on behalf of the Indians, and whereas the lands belong to the Indians, the amount awarded in any case shall be paid to the said chief officer for the use of such tribe or body; the case of any such naval or military reserves, no such license or permission shall be granted, except upon a report first made thereupon by the naval or military authorities in which such lands are vested, approving of such license and seal of the Governor, and having obtained such license and permission; or if any act occasioning damage to their lands be done under the authority of this Act, or the Special Act, compensation shall be made to them therefor, in the same manner as is provided with respect to the lands or rights of other individuals; and whenever it is necessary that arbitrators shall be chosen by the parties, the chief officer of the Indian department within this Province is hereby authorized and required to name an arbitrator on behalf of the Indians, and whereas the lands belong to the Indians, the amount awarded in any case shall be paid to the said chief officer for the use of such tribe or body.

As to lands belonging to Her Majesty, &c.

Sec. 14 & 15 Vic. cap. 51, sec. 11.

The highways and bridges shall be regulated as follows:

12. The highways and bridges shall be regulated as follows:

Firstly. The Railway shall not be carried along an existing highway, but merely cross the same in the line of the Railway, unless leave has been obtained from the proper Municipal authority therefor; and no obstruction of such highway with the works shall be made without turning the highway, so as to leave an open and good passage, for carriages, and on completion of the works, replacing the highway, under a penalty of not less than forty dollars for any contravention; but, in either 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;

Secondly. No part of the Railway which crosses any highway without being carried over by a bridge, or under by a tunnel, shall rise above or sink below the level of the highway more than one inch; and the Railway may be carried across or above any highway within the limits aforesaid;

Thirdly. The space of the arch of any bridge erected for carrying the Railway over or across any highway shall at all times be, and be continued of the open and clear breadth and space, under such arch, of not less than twenty feet, and of a height from the surface of such highway to the centre of such arch of not less than twelve feet; and the descent under any such bridge shall not exceed one foot in twenty feet;

Fourthly. The ascent of all bridges erected to carry any highway over any Railway shall not be more than one foot in twenty feet increase over the natural ascent of the highway; and a good and sufficient fence shall be made on each side of every bridge, which fence shall not be less than four feet above the surface of the bridge;

Fifthly. Signboards stretching across the highway crossed at a level by any Railway, shall be erected and kept up at each crossing at such height as to leave sixteen feet from the highway to the lower edge of the signboard, and having the words "Railway Crossing" painted on each side of the signboard, and in letters not less than six inches in length; and for every neglect to comply with the requirements of this clause, a penalty not exceeding forty dollars shall be incurred.

8 FENCES.

13. Fences shall be erected and maintained on each side of the Railway, of the height and strength of an ordinary division fence, with openings, or gates, or bars therein, at farm crossings of the road, for the use of the proprietors of the land adjoining the Railway; and also cattle guards at all road crossings, suitable and sufficient to prevent cattle and animals from getting on the Railway.

14. The said words "openings, gates or bars," shall be held to mean and shall in all cases imply sliding gates commonly called hurdle gates, with proper fastenings; but this shall not be interpreted to the profit of those proprietors and tenants of land crossed by Railways in this Province who had received compensation from the Railway Companies for having omitted the erection of such gates before the tenth of June, one thousand eight hundred and forty-seven, nor shall it in any way affect or apply to any Railway constructed or in part constructed, on the tenth of June, one thousand eight hundred and forty-seven, but the same shall apply only to such Railways as may be constructed or commenced after that day.
15. Until such fences and cattle guards are duly made, the Company shall be liable for all damages which may be done by their trains or engines to cattle, horses or other animals on the Railway.

16. After the fences or guards have been duly made, and while they are duly maintained, no such liability shall accrue for any such damages, unless negligently or wilfully done.

17. If any person rides, leads or drives any horse or other animal upon such Railway, and within the fences and guards, other than the farm crossings, without the consent of the Company, he shall for every such offence forfeit a sum not exceeding forty dollars, and shall also pay to the party aggrieved all damages sustained thereby.

18. No person other than those connected with, or employed by, the Railway shall walk along the track thereof, except where the same is laid across or along a highway.

19. Within six months after any lands have been taken for the use of the Railway, and if thereunto required by the proprietors of the adjoining lands respectively, but not otherwise, the Company shall, at their own costs and charges, set and make on the lands so taken, and from time to time maintain, support and keep in repair, a sufficient post or rail, hedge, ditch, bank or other fence sufficient to keep off hogs, sheep and cattle, and thereby divide and separate and keep constantly adjoining thereto.

9. TOLLS.

20. Tolls shall be from time to time fixed and regulated by the by-laws of the Company, or by the directors if thereunto authorized by the by-laws, or by the shareholders at any general meeting, and may be demanded and received for all passengers and goods transported upon the Railway or in the steam vessels to the undertaking belonging, and shall be paid to such persons and at such places near to the Railway, in such manner and under such regulations as the by-laws direct.

21. In case of denial or neglect of payment on demand of any such tolls, or any part thereof, to such persons, the same may be sued for and recovered in any competent court, or the agents or servants of the Company may seize the goods for or in respect whereof such tolls ought to be paid, and detain the same until payment thereof; and in the meantime the said goods shall be at the risk of the owners thereof.
29. Every by-law 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, has been twice published in the Canada Gazette, the tolls mentioned in such Order in Council shall be substituted for those mentioned in the by-law so long as the Order in Council remains unrevoked.

10. General Meetings.

30. The shareholders may assemble together at general meetings for purposes connected with or belonging to the undertaking, and at any annual general meeting, and may elect directors in the manner provided by the next preceding clause.

11. President and Directors: Their Election and Duties.

31. A board of directors of the undertaking to manage its affairs, the number whereof shall be stated in the Special Act, shall be chosen annually by a majority of the shareholders voting at such election at a general meeting, the time and place for which shall be appointed by the Special Act; and if such election is not held on the day so appointed, the directors shall notify and cause such election to be held within thirty days after the day appointed.

32. On the day so notified, no person shall be admitted to vote except those who would have been entitled to vote had the election been held on the day it ought to have been held.

33. Vacancies in the board of directors shall be filled in the manner prescribed by the by-laws.

34. No person shall be a director unless he is a stockholder, owning stock absolutely in his own right, and qualified to vote for directors at the election at which he is chosen.

35. The method of calling general meetings, and the time and place of the first meeting of stockholders for the appointment of directors, shall be determined and settled in the Special Act.

36. The number of votes to which each shareholder shall be entitled on every occasion when the votes of the members are to be given, shall be in the proportion to the number of shares held by him, unless otherwise provided by Special Act.

37. All shareholders, whether resident in this Province or elsewhere, may vote by proxy, if they see fit: Provided that such proxy 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 shareholders of the , do hereby appoint of , to be my proxy, and in my absence to vote or give my assent to any business, matter or thing relating to the said undertaking, that may be mentioned or proposed at any meeting of the shareholders of the said Company, or any of them, in such manner as he the said thinks proper. In witness whereof I have hereunto set my hand and seal the day of , in the year .

38. The votes by proxy shall be as valid as if the principals had voted in person; and every matter or thing proposed or considered in any public meeting of the shareholders shall be determined by the majority of votes and proxies then present and given, and all decisions and acts of any such majority shall bind the Company, and be deemed the decisions and acts of the Company.

39. The directors first appointed, or those appointed in their stead, in case of vacancy, shall remain in office until the next annual election of directors at the time appointed therefor, at which time an annual general meeting of the shareholders shall be held to choose directors for the ensuing year, and generally to transact the business of the Company.

40. In case of the death, absence or resignation of any of Vacancies, the directors, others may be appointed in their stead by the surviving directors; but if such appointment be not made, such death, absence or resignation shall not invalidate the acts of the remaining directors.

41. The directors shall, at their first or at some other meeting, elect one of their number to be the president of the Company, who shall always, when present, be the chairman of and preside at all meetings of the directors, and shall hold his office until he ceases to be a director, or until another president has been elected in his stead; and they may in a like manner elect Vice-President, a vice-president, who shall act as chairman in the absence of the president.
42. The directors, at any meeting at which not less than a quorum to be settled by the Special Act, are present, shall be competent to use and exercise all and any of the powers vested in the directors.

43. The act of a majority of a quorum of the directors present at any meeting regularly held, shall be deemed the act of the directors.

44. No director shall have more than one vote at any meeting except the chairman, who shall in case of a division of equal numbers, have the casting vote.

45. The directors shall be subject to the examination and control of the shareholders at their annual meetings, and be subject to all by-laws of the Company, and to the orders and directions from time to time made at the annual or at any special meetings, such orders and directions not being contrary to any express directions or provisions of this Act or the Special Act.

46. No person holding any office, place or employment in, or being concerned or interested in any contracts under or with, the Company, shall be capable of being chosen a director, or of holding the office of director, “nor shall any person being a director of the Company enter into, or be directly or indirectly, for his own use and benefit, interested in any contract with the Company, not relating to the purchase or sale of stock, or works of extraordinary repair, or of immediate necessity, be entered into until after tenders for such works respectively have been invited by public notice therefor, given for at least four weeks in some newspaper published in the place nearest to the work required to be done; but no Company shall be compelled to accept of any such tender; and in the event of any such contract made since the thirtieth of June, one thousand eight hundred and fifty-eight, or made after this Act takes effect, by or on behalf of any director, an action shall lie in any court of common law, or other court of competent jurisdiction against such director at the suit of any shareholder or stockholder of the Company, for the benefit of the funds thereof, for the whole amount of profit accruing to such director from the contract so made or fulfilled.”

47. The directors shall make by-laws for the management and disposition of the stock, property, business and affairs of the Company, not inconsistent with the laws of this Province, and for the appointment of all officers, servants and artificers, and prescribing their respective duties.

12. CALLS.

48. The directors may from time to time make such calls of money upon the respective shareholders, in respect of the amount of capital respectively subscribed or owing by them, as they deem necessary, and thirty days’ notice at the least shall be given of each call, and no call shall exceed the prescribed amount determined in the Special Act, or be made at a less interval than two months from the previous call, nor shall a greater amount be called in, any one year, than the amount prescribed in the Special Act.

49. All notices of meetings or of calls upon the shareholders of the Company shall be published weekly in the Canada Gazette, and the said Gazette shall on production thereof, be conclusive evidence of the sufficiency of such notices.

50. Every shareholder shall be liable to pay the amount of Payment of the call so made in respect of the shares held by him to the persons and at the times and places from time to time appointed by the Company or the directors.

51. If before or on the day appointed for payment, any shareholder does not pay the amount of the call, he shall be liable to pay interest for the same, at the rate of six percent per annum, from the day appointed for the payment thereof to time of the actual payment.

52. If at the time appointed for the payment of any call, any shareholder fails to pay the amount of the call, he may be sued, for the same, in any court of law or equity having competent jurisdiction, and the same may be recovered with lawful interest from the day on which the call became payable.

53. In any action or suit to recover any money due upon any call, it shall not be necessary to set forth the special matter, but it shall be sufficient to declare that the defendant is the holder of one share or more, stating the number of shares, and is indebted, in the sum of money to which the calls in arrear amount, in respect of one call or more upon one share or more, stating the number and amount of each of such calls whereby an action hath accrued to the Company by virtue of the Special Act.

54. The certificate of proprietorship of any share shall be prima facie evidence of the title of any evidence.
any shareholder, his executors, administrators, successors, or assigns, to the share therein specified.

55. But the want of such certificate shall not prevent the holder of any share from disposing thereof.

56. Any person neglecting or refusing to pay a ratable share of the calls as aforesaid, for the space of two months after the time appointed for the payment thereof, shall forfeit their respective shares in the undertaking, and all the profit and benefit thereof; all which forfeitures shall go to the Company for the benefit thereof.

57. No advantage shall be taken of the forfeiture, unless the same is declared to be forfeited at a general meeting of the Company, assembled at any time after such forfeiture is incurred.

58. Every such forfeiture shall be an indemnification to and for every shareholder so forfeiting against all actions, suits or prosecutions whatever, commenced or prosecuted for any breach of contract or other agreement between such shareholder and the other shareholders with regard to carrying on the undertaking.

59. The directors may sell, either by public auction or private sale, and in such manner and on such terms as to them seem meet, any shares so declared to be forfeited, and also any shares remaining unsubscribed for in the capital stock of the Company, or pledge such forfeited or unsubscribed shares for the payment of loans or advances made or to be made thereon, or of any sums of money borrowed or advanced by or to the Company.

60. A certificate of the treasurer of the Company that the forfeiture of the shares was declared, shall be sufficient evidence of the fact, and of their purchase by the purchaser, and such certificate with the receipt of the treasurer for the price of such shares shall constitute a good title to the shares, and the certificate shall be by the said treasurer enregistered in the name and with the place of abode and occupation of the purchasers, and shall be entered in the books required to be kept by the by-laws of the Company, and such purchaser shall thereupon be deemed the holder of such shares, and shall not be bound to see to the application of the purchase-money, nor shall his title to such shares be affected by any irregularity in the proceedings in reference to such sale, and any shareholder may purchase any shares so sold.

61. Shareholders willing to advance the amount of their shares, or any part of the money due upon the respective shares beyond the sums actually called for, may pay the same, and upon the principal moneys so paid in advance, or so much thereof as from time to time exceeds the amount of the calls then made upon the shares in respect to which such advance is made, the Company may pay interest at the legal rate of interest for the time being, as the shareholders paying such sum in advance and the Company agree upon; but such interest shall not be paid out of the capital subscribed.

62. The directors shall cause to be kept, and annually, on the thirty-first day of December, shall cause to be made up and balanced, a true, exact and particular account of the money collected and received by the Company, or by the directors or managers thereof, or otherwise, for the use of the Company, and of the charges and expenses attending the erecting, making, supporting, maintaining and carrying on of the undertaking, and of all other receipts and expenditures of the Company or the directors.

63. At the general meetings of the shareholders of the undertaking, from time to time held, a dividend shall be made out of the clear profits of the undertaking, unless such meetings declare otherwise.

64. Such dividend shall be at and after the rate of so much per share upon the several shares held by the shareholders in the stock of the Company, as such meeting think fit to appoint or determine.

65. No dividend shall be made whereby the capital of the Company is in any degree reduced or impaired, or be paid thereout, 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 has been paid.

66. The directors may, in their discretion, until the railroad is completed and open to the public, pay interest at any rate not exceeding six dollars per hundred dollars per annum, on all sums called up in respect of the shares, from the respective days on which the same have been paid, such interest to accrue and be paid at such times and places as the directors appoint for that purpose.

67. No interest shall accrue to the proprietors of any share upon which any call is in arrear in respect of such shares or any other share to be holden by the same shareholder while such call remains unpaid, nor shall any interest be paid or taken from the capital subscribed.

68.
68. The directors shall from time to time appoint such officers as they deem requisite, and shall take sufficient security, by one or more penal bonds, or otherwise, from the manager and officers for the time being, for the safe keeping and accounting by them respectively of the moneys raised by virtue of this Act and the Special Act, and for the faithful execution of their offices, as the directors think proper.

69. In case of the absence or illness of the president, the vice-president shall have all the rights and powers of the president, and may sign all notes, bills, debentures, and other instruments, and perform all acts which by the regulations and by-laws of the Company or by the Acts incorporating the Company are required to be signed, performed and done by the president.

70. The directors may at any meeting require the secretary to enter such absence or illness among the proceedings of such meeting, and a certificate thereof signed by the secretary shall be delivered to any person or persons requiring the same on payment to the treasurer of one dollar, and such certificate shall be taken and considered as prima facie evidence of such absence or illness, at and during the period in the said certificate mentioned, in all proceedings in courts of justice or otherwise.

13. SHARES AND THEIR TRANSFER.

71. Shares in the undertaking may, by the parties, be sold and disposed of by instrument in writing, to be made in duplicate, one part of which shall be delivered to the directors, to be filed and kept for the use of the Company, and an entry thereof shall be made in a book to be kept for that purpose; and no interest on the shares transferred shall be paid by the purchaser until such duplicate is so delivered, filed and entered.

72. Sales 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., hereby do sell and transfer to him share (or shares) of the stock of the , to hold to him the said C. D., his heirs, executors, administrators and assigns, subject to the same rules and orders, and on the same conditions that I held the same immediately before the execution thereof. 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 this day of in the year 1859.

14. MUNICIPALITIES.

73. The stock of the Company shall be deemed personal estate, but no shares shall be transferable until all previous calls thereon have been fully paid in, or the said shares have been declared forfeited for the non-payment of calls thereon, and no transfer of less than a whole share shall be valid.

74. If any share in the Company be transmitted by the Transmission death, bankruptcy, or last will, donation, or testament, or by the intestacy of any shareholder, or by any lawful means other than the transfer hereinbefore mentioned, the party to whom such share is so transmitted, shall deposit in the office of the Company a statement in writing signed by him, declaring the manner of such transmission, together with a duly certified copy or probate of such will, donation or testament, or sufficient extracts therefrom, and such other documents or proof as may be necessary, and without which such party shall not be entitled to receive any share of the profits of the Company, nor vote in respect of any such share as the holder thereof.

Municipal corporations in this Province may subscribe for any number of shares in the capital stock of, or lend to, or guarantee the payment of any sum of money borrowed by the Company from any corporation or person, or indorse or guarantee the payment of any debenture to be issued by the Company for the money by them borrowed, and may assess and levy from time to time upon the whole ratable property of the municipality a sufficient sum for them to discharge the debt or engagement so contracted, and for the like purpose may issue debentures payable at such times and for such sum respectively, not less than twenty dollars, and bearing or not bearing interest, as such municipal corporation thinks meet.

26. Any such debenture issued, indorsed, or guaranteed shall be valid and binding upon the municipal corporation, if signed or indorsed, and countersigned by the officer or person, and in such manner and form as directed by any by-law of the corporation, and the corporation seal thereto shall not be necessary, nor the observance of any other form with regard to the debentures than such as directed in the by-law.

77. No municipal corporation shall subscribe for stock, or incur any debt or liability under this Act, or the Special Act unless and until a by-law to that effect has been duly made and adopted with the consent first had of a majority of the qualified electors of the municipality, to be ascertained in the manner determined by the by-law, after public advertisement thereof, containing a copy of such proposed by-law, inserted at least four times in each newspaper printed within the limits of the
the municipality, or if none be printed therein, then in some one or more newspapers printed in the nearest city or town thereto and circulated therein, and also put up in at least four of the most public places in each municipality.

Mayor, &c., to be, ex officio, a director in certain cases.
See 13 and 14 Vic. cap. 129, sec. 5; and 15 Vic. cap. 51, sec. 18.

78. The mayor, warden, or reeve, being the head of such municipal corporation subscribing for and holding stock in the Company to the amount of twenty thousand dollars or upwards, shall be, ex officio, one of the directors of the Company in addition to the number of directors authorized by the Special Act, and shall have the same rights, powers and duties, as any of the directors of the Company.

79. No such mayor, warden, reeve or other chief officer, or other person representing any municipality having or taking stock in any Railway Company, shall, directly or indirectly, vote on the election or appointment of the private directors of any Railway Company incorporated previous to or during the session held in the sixteenth year of Her Majesty's reign, unless the Special Act of Incorporation of such Company expressly provides therefor.

15. Shareholders.

Each shareholder shall be individually liable to the creditors of the Company to the amount unpaid on the stock held by him, for the debts and liabilities thereof, and until the whole amount of his stock has been paid up; but shall not be liable to an action therefor before an execution against the Company has been returned unsatisfied in whole or in part, and the amount due on such execution shall be the amount recoverable with costs against such shareholders.

Stock may be increased.
See 14 and 15 Vic. cap. 51, sec. 19.

80. Each shareholder shall be individually liable to the creditors of the Company to the amount unpaid on the stock held by him, for the debts and liabilities thereof, and until the whole amount of his stock has been paid up; but shall not be liable to an action therefor before an execution against the Company has been returned unsatisfied in whole or in part, and the amount due on such execution shall be the amount recoverable with costs against such shareholders.

81. The original capital stock may be increased from time to time to any amount; but such increase must be sanctioned by a vote in person or by proxy of at least two-thirds in amount of all the shareholders, at a meeting of them expressly called by the directors for that purpose, by a notice in writing to each shareholder, served on him personally, or properly directed to him, and deposited in the post-office nearest to his place of residence, at least twenty days previous to such meeting, stating the time and place and object of the meeting, and the amount of increase; and the proceedings of such meeting must be entered on the minutes of the proceedings; and thereupon the capital stock may be increased to the amount sanctioned by such a vote.

Company not to take stock in other companies.
See 14 and 15 Vic. cap. 51, sec. 19.

82. The funds of the Company shall not be employed in the purchase of any stock in their own or in any other company.

1859.

83. All suits for indemnity, for any damage or injury sustained by reason of the Railway, shall be instituted within six months next after the time of such supposed damage sustained or if there be continuation of damage, then within six months next after the doing or committing such damage ceases, and not afterwards; and the defendants may plead the general issue, and give this Act and the Special Act and the special matter in evidence at any trial to be had thereupon, and may prove that the same was done in pursuance of and by authority of this Act and the Special Act.

84. Every person who, by any means or in any manner obstructs or interrupts the free use of the Railway, or the carriages, vessels, engines, or other works incidental or relative thereto, or connected therewith, shall be guilty of a misdemeanor, and on conviction thereof, shall be punished by imprisonment in the common gaol of the district or county where the conviction takes place, or in the provincial penitentiary, for a term not to exceed five years.

85. All persons wilfully and maliciously, and to the prejudice of the Railway, breaking, throwing down, damaging or destroying the same, or any part thereof, or any of the buildings, stations, depots, wharves, vessels, fixtures, machinery or other works or devices incidental and relative thereto, or connected therewith, or doing any other wilful hurt or mischief, or wilfully or maliciously obstructing or interrupting the free use of the Railway, vessels or works, or obstructing, hindering or preventing the carrying on, completing, supporting and maintaining the Railway, vessels or works, shall be guilty of a misdemeanor, unless the offence committed amounts, under some other Act or law, to a felony, in which case such person shall be guilty of a felony, and the court by and before whom the person is tried and convicted, may cause such person to be punished in like manner as persons guilty of misdemeanor or felony (as the case may be) are directed to be punished by the laws in force in this Province.

86. All fines and forfeitures imposed by this Act or the Special Act, or by any by-law, the levying and recovering of which 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, county, or place where the act occurred, either by the confession of the party, or by the oath or affirmation of any one credible witness, be administered without fee or reward, be levied by distress and sale of the offender's goods...
87. All fines, forfeitures and penalties, the application whereof is not hereinbefore particularly directed, shall be paid into the hands of the treasurer of the Company, to be applied to the use thereof, and the overplus of the money so raised, after deducting the penalty and the expenses of the levying and recovering thereof, shall be returned to the owner of the goods so distrained and sold.

88. In case sufficient goods and chattels whereof to levy the penalty and expenses are not found, the offender shall be sent to the common gaol for the county or district in which he has been convicted, there to remain without bail or mainprize, for such term, not exceeding one month, as the justice or justices think proper, unless the penalty or forfeiture, and all expenses attending the same, be sooner paid or satisfied.

89. Every such person or persons may, within four months after the conviction, appeal against the same to the Court of General Quarter Sessions, to be holden in and for the county or district.

90. All contraventions of this Act or of the Special Act, by the Company, or by any other party, for which no punishment or penalty is herein provided, shall be a misdemeanor, and shall be punishable accordingly; but such punishment shall not exempt the Company, if they be the offending party, from the forfeiture by this Act and the Special Acts, of the privileges conferred on them by the said Acts, if by the provisions thereof or by law, the same be forfeited by such contravention.

17. By-laws—Notices, &c.

All by-laws, rules and orders regularly made, shall be put into writing and signed by the chairman or person presiding at the meeting at which they are adopted, and shall be kept in the office of the Company; and a printed copy of so much of them as relates to or affects any party other than the members or servants of the Company, shall be affixed openly in all and every passenger car, and in all and every place where tolls are to be gathered, and in like manner so often as any change or alteration is made to the same; and any copy of the same, or any of them, certified as correct by the president or secretary, shall be deemed authentic, and shall be received as evidence thereof in any court, without further proof.

92. All such by-laws, rules and orders shall be submitted from time to time to the Governor for approval.
or received from such passenger, and if he has paid his fare, the same shall be refunded by the conductor in charge of the train.

101. Any passenger producing such check may himself be a witness in any suit brought by him against the Company, to prove the contents and value of his baggage not delivered to him.

102. The baggage, freight, merchandise or lumber cars shall not be placed in rear of the passenger cars, and if any such be so placed, the officer or agent directing or knowingly suffering such arrangement, and the conductor of the train shall severally be guilty of a misdemeanor, and be punished accordingly.

103. Every locomotive engine shall be furnished with a bell of at least thirty pounds weight, or with a steam whistle.

104. The bell shall be rung, or the whistle sounded, at the distance of at least eighty rods from every place where the Railway crosses any highway, and be kept ringing or be sounded at short intervals, until the engine has crossed such highway, under a penalty of eight dollars for every neglect thereof, to be paid by the Company, who shall also be liable for all damages sustained by any person by reason of such neglect, one half of which penalty and damages shall be chargeable to and collected by the Company from the engineer having charge of such engine and neglecting to sound the whistle or ring the bell as aforesaid.

105. All persons in charge of a locomotive engine, or acting as the conductor of a car or train of cars, who is intoxicated, shall be deemed guilty of a misdemeanor.

106. Any passenger refusing to pay his fare, and his baggage, may, by the conductor of the train and the servants of the Company, be put out of the cars at any usual stopping place, or near any dwelling house, as the conductor elects, the conductor first stopping the train and using no unnecessary force.

107. Any passenger injured while on the platform of a car, or on any baggage, wood or freight car, in violation of the printed regulations posted up at the time in a conspicuous place inside of the passenger cars then in the train, shall have no claim for the injury, provided room inside of such passenger cars, sufficient for the proper accommodation of the passengers, was furnished at the time.
113. A map and profile of the completed Railway and of the land taken or obtained for the use thereof, shall, within a reasonable time after completion of the undertaking, be made and filed in the office of the Commissioners of Public Works, and like maps of the parts thereof located in different counties, shall be filed in the registry offices for the counties in which such parts are respectively situate.

114. Every such map shall be drawn on such a scale, and on such paper, as may from time to time be designated for that purpose by the Chief Commissioner of Public Works, and shall be certified and signed by the president or engineer of the corporation.

115. After the opening of the Railway or any part thereof to the public, and within the first fifteen days after the opening of each session of the Provincial Parliament, an account shall be annually submitted to the three branches of the Legislature, containing a detailed and particular account, attested upon oath of the president or in his absence of the vice-president, of the moneys received and expended by the Company, and a classified statement of the passengers and goods transported by them, with an attested copy of the last annual statement.

116. No further provisions which the Legislature may hereafter make with regard to the form or details of such account, or the mode of attesting or rendering the same, shall be deemed an infringement of the privileges hereby granted to the Company.

117. If the construction of the Railway be not commenced and ten per cent. on the amount of the capital be not expended thereon, within three years after the passing of the Special Act, or if the Railway is not finished and put in operation in ten years from the passing of such Special Act, the corporate existence and powers of the Company shall cease.

118. The Legislature of this Province may from time to time reduce the tolls upon the Railway, but not without consent of the Company, or so as to produce less than fifteen per cent. per annum profit on the capital actually expended in its construction; nor unless, on an examination made by the Commissioners of Public Works of the amount received and expended by the Company, the net income from all sources, for the year then last passed, is found to have exceeded fifteen per cent. upon the capital so actually expended.

119. No person shall be entitled to carry or to require the Company to carry upon their Railway, aqua fortis, oil of vitriol, gunpowder, lucifer matches, or any other goods, which, in the judgment of the Company, may be of a dangerous nature; and if any person sends by the said Railway any such goods without, at the time of so sending the said goods, distinctly marking their nature on the outside of the package containing the same and otherwise give notice in writing to the bookkeeper or other servant of the Company with whom the same are left, he shall forfeit to the Company the sum of twenty dollars for every such offence.

120. The Company may refuse to take any package or parcel which they suspect to contain goods of a dangerous nature, or may require the same to be opened to ascertain the fact.

121. The offence of forging any debentures or a coupon of any debenture issued under the authority of this Act or of the Special Act, or of uttering any such debenture or coupon, knowing the same to be forged, or of being necessary before or after the fact to any such offence, shall be deemed felony, and be punished accordingly.

122. The Company shall make and keep in repair all fences, roads, and watercourses, and be subject to all municipal regulations and provisions in respect thereof, in or for lands belonging to or held by the Company, and subject to any such regulations, or to any charges, public, municipal, or local, as the case may be, in any county, parish, or township in Lower Canada through which the Railway passes; and the Company may, in default or contravention thereof, be prosecuted therefor by the officers of the municipality, before the Commissioner's court or circuit court within the jurisdiction of which such fence, road, or watercourse may be, and the service of the summons upon any clerk or officer in charge of the section of the railway, within the said jurisdiction, or at the nearest depot of the railway, shall be good service upon the Company.

123. Every Special Railway Act shall be a Public Act.

124. The Legislature may at any time annul or dissolve any corporation formed under this Act; but such dissolution shall not take way or impair any remedy given against any such corporation, its shareholders, officers, or servants, for any liability which had been previously incurred.

125. Nothing herein contained shall affect in any manner the rights of Her Majesty, or of any person, or of any body politic, corporate or collegiate, such only excepted as are herein mentioned.
126. No amendment or alteration in this Act shall be held to be an infringement of the rights of any Company authorized to construct a Railway by any Act passed on or since the 30th of August, 1851, or by any Act of this or any future session, with which this Act is incorporated.

GENERAL PROVISIONS FOR ALL RAILWAYS.

127. Unless otherwise provided, the following sections shall apply to every Railway made or to be made in this Province.

20. POWERS.

Any railway company may construct branch railways, on certain conditions.

128. Any incorporated Railway Company may construct a branch or branches not exceeding six miles in length from any terminus or station of the Railway of such Company, whenever a by-law sanctioning the same has been passed by the Municipal Council of the Municipality within the limits of which such proposed branch is situate, and no such branch shall, as to the quality and construction of the road, be subject to any of the restrictions contained in the Special Act of Incorporation of such Company or in this Act, nor shall any thing in either of the said Acts authorize any Company to take for such branch any lands belonging to any party without the consent of such party first obtained.

129. Any Railway Company desiring at any time to change the location of its line of Railway in any particular part for the purpose of lessening a curve, reducing a gradient, or otherwise benefiting such line of Railway, or for any other purpose of public advantage, may make such change; and all and every the clauses of this Act shall refer as fully to the part of any such line of Railway so at any time changed or proposed to be changed as to the original line; but no Railway Company shall have any right to extend its line of Railway beyond the termini mentioned in the Act incorporating such Company.

But not without application to the Board of Railway Commissioners.

130. No Railway Company shall avail itself of any of the powers contained in the fifteenth sub-section of the ninth section of this Act, without application to the Board of Railway Commissioners, constituted by the one hundred and seventy-eighth section of this Act of which application notice in writing shall be given to any other Railway affected, by sending the same by mail, or otherwise, to the address of the president, superintendent, managing director, or secretary of any such Railway Company, for approval, of the mode of crossing, union or intersection proposed; and when such approval has been obtained, it shall be lawful for either Railway, in case of disagreement as to the amount to be paid for compensation, to proceed for such compensation as provided in the said sub-section.

131. The directors of any Railway Company may at any time, and from time to time, make and enter into any agreement or arrangement with any other Company, either in this Province or elsewhere; for the regulation and interchange of traffic passing to and from the Railways of the said Companies, and for the working of the traffic over the said Railways respectively, or for either of those objects separately, and for the division and apportionment of tolls, rates, and charges in respect of such traffic, and generally in relation to the management and working of the Railways, or any of them, or any part thereof, and of any Railway or Railways in connection therewith, for any term not exceeding twenty-one years, and to provide, either by proxy or otherwise, for the appointment of a joint committee or committees for the better carrying into effect any such agreement or arrangement, with such powers and functions as may be considered necessary or expedient, subject to the consent of two-thirds of the stockholders voting in person or by proxy.

132. The provisions of the three last sections of this Act Application of shall, from the time it takes effect, apply to every Railway made or to be made in this Province, but shall not apply to anything done before the thirtieth of June, one thousand eight hundred and fifty-eight.

21. LANDS AND THEIR VALUATION.

133. No Railway Company shall take possession of, use, or Conditions on occupy any lands vested in Her Majesty, without the consent of the Governor in Council; but with such consent any such Company may take and appropriate for the use of their Railway and works, but not alienate, so much of the wild lands of the Crown lying on the route of the said Railway, as have not been granted or sold, and as may be necessary for their Railway, as also so much of the land covered with the waters of any lake, river, stream, or canal, or of their respective beds, as is necessary for making and completing and using their said Railway and works, but nothing in this section contained shall apply to the thirty and thirty-first paragraphs of the eleventh section of this Act.

22. RAILWAY GROUNDS TO BE KEPT IN ORDER.

134. Every Railway Company whether any of the clauses or Ground adprovisions of this Act be or be not incorporated with the Act incorporating such Company, shall cause all cleared land or ground adjoining their Railway and belonging to such Company, to be sown or laid down with grass or turf, and cause the same so far as may be in their power, to be covered with grass or cleared turf, if not already so covered, and cause all thistles and other noxious weeds, etc.
135. If any Railway Company fail to comply with the requirements of the last preceding section within twenty days after they have been required to comply with the same, by notice from the mayor, reeve, or chief officer of the municipality of the township or county in which the land or ground lies, such Company shall thereby incur a penalty of two dollars to the use of the municipality for each day during which they neglect to do anything which they are lawfully required to do by such notice, and the said mayor, reeve or officer may cause all things to be done which the said Company were lawfully required to do by such notice, and for that purpose may enter upon the lands and grounds, and such municipality may recover the expenses and charges incurred in so doing, and the said penalty, with costs of suit, in any court having jurisdiction in civil cases to the amount sought to be recovered.

23. HIGHWAYS AND BRIDGES.

136. No such Company shall cause any obstruction in or impede the free navigation of any river, stream or canal to or across or along which their Railway is carried.

137. If the Railway be carried across any navigable river or canal, the Company shall leave openings between the abutments or piers of their bridge or viaduct over the same, and shall make the same of such clear height above the surface of the water, or shall construct such drawbridge or swingbridge over the channel of the river, or over the whole width of the canal, and shall be subject to such regulations as to the opening of such swingbridge and drawbridge as the Governor in Council from time to time makes.

138. It shall not be lawful for any such Company to construct any wharf, bridge, pier, or other work upon or over any navigable river, lake or canal, or upon the beach, or bed, or lands covered with the waters thereof, until they have first submitted the plan and proposed site of such work to the Governor in Council, and the same has been by him approved; and no deviation from such approved site and plan shall be made without his consent.

139. Nothing contained in the one hundred and thirty-third, one hundred and thirty-sixth, one hundred and thirty-seventh, and one hundred and thirty-eighth sections, or in the thirtieth and thirty-first paragraphs of the eleventh section of this Act, shall be construed to limit or affect any power expressly given to any Railway Company by its Special Act of Incorporation or any Special Act amending the same.

140. The Governor in Council, upon the report of the Board of Railway Commissioners, may authorize or require any Railway Company to construct fixed and permanent bridges, or to substitute such bridges in the place of the swing, draw, or moveable bridges on the line of such Railway, within such time as the Governor in Council directs; and for every day after the period so fixed during which the Company uses such swing, draw, or moveable bridges, the Company shall forfeit and pay to Her Majesty the sum of two hundred dollars; and it shall not be lawful for any Railway Company to substitute any swing, draw, or other moveable bridge in the place or stead of any fixed or permanent bridge already built and constructed without the consent of the Governor in Council previously had and obtained.

141. In any case where a Railway commenced after the 27th May, 1857, is constructed or authorized to be constructed across any turnpike road, street or other public highway, on the level of the Board of Railway Commissioners, it appears to them necessary for the public safety, may, with the sanction of the Governor in Council, authorize and require the Company to whom such Railway belongs, within such time as the said Board directs, to carry such road, street or highway, either over or under the said Railway, by means of a bridge or arch, instead of crossing the same on the level, or to execute such other works as under the circumstances of the case appear to the said Board the best adapted for removing or diminishing the danger arising from such level crossing; and all the provisions of law at any such time applicable to the taking of land by Railway Companies, and its valuation and conveyance to them, and to the compensation therefor, shall apply to the case of any land required for the construction of any works for effecting the alteration of such level crossing.

142. Every Railway Company shall station an officer at every point on their line crossed on a level by any other Railway, and no train shall proceed over such crossing until signal has been made to the conductor thereof that the way is clear.

143. Every locomotive or railway engine or train of cars on any Railway, shall, before it crosses the track of any other Railway on a level, be stopped for at least the space of three minutes.

144. No locomotive or railway engine shall pass in or through any thickly peopled portion of any city, town or village, at
at a speed greater than six miles per hour, unless the track is properly fenced.

145. Whenever any train of cars is moving reversely in any city, town or village, the locomotive being in the rear, the Company shall station on the last car in the train a person who shall warn parties, standing on or crossing the track of such Railway, of the approach of such train, under a penalty of one hundred dollars for any contravention of the above provisions.

146. If the Board of Railway Commissioners order any Railway Company to erect at or near, or in lieu of any level crossing of a turnpike road, or other public highway, a footbridge or foot-bridges, over their Railway for the purpose of enabling persons passing on foot along such turnpike road or public highway to cross the Railway by means of such bridge or bridges, then, from and after the completion of such foot-bridge or foot-bridges so required to be erected, and while the Company keeps the same in good and sufficient repair, such level crossing shall not be used by foot passengers on the said turnpike road or public highway, except during the time when the same is used for the passage of carriages, carts, horses or cattle along the said road.

147. No horses, sheep, swine, or other cattle, shall be permitted to be at large upon any highway within half a mile of the intersection of such highway with any Railway on grade unless such cattle are in charge of some person or persons to prevent their loitering or stopping on such highway at such intersection.

148. All cattle found at large in contravention of the last preceding section may, by any person finding the same at large, be impounded in the nearest pound to the place where the same are so found, and the pound-keeper with whom the same are so impounded shall detain the same in the like manner, and subject to the like regulations as to the care and disposal thereof, as in the case of cattle impounded for trespass on private property.

149. No person, any of whose cattle being at large contrary to the provisions of the section aforesaid, are killed by any train at such point of intersection, shall have any action against any Railway Company in respect to the same being so killed.

150. At every road and farm crossing on the grade of the Railways in this Province, the crossing shall be sufficiently fenced on both sides of such points, so as to allow the safe passage of the trains.

24. By-laws Regulating Tolls.

151. The by-laws of every Railroad Company regulating the tolls to be taken on such road, in the Special Act respecting which a provision has been inserted that such Railroad shall be subject to the provisions of any general Act relating to Railroads, shall be subject to the approval of the Governor in Council; and no by-law of any Railroad or Railway Company in this Province by which any tolls are to be imposed or altered or by which any party other than the members, officers, and servants of the Company are intended to be bound, shall have any force or effect until the same has been approved and sanctioned by the Governor in Council.

25. Penal Clauses.

152. If any person wilfully and maliciously displaces or removes any Railway switch or rail or any Railroad, or breaks down, rips up, injures or destroys any Railroad track or Railroad bridge, or fence of any Railroad, or any portion thereof, or places 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, such person shall be guilty of misdemeanor, and shall be punished by imprisonment with hard labour in the common gaol of the territorial division in which such offence is committed or tried, for any period not exceeding one year from conviction thereof; and if in consequence of such act done with the intent aforesaid, any person so passing over and along such Railroad actually suffers any bodily harm, or if any property passing over and along such Railroad be injured, such suffering or injury shall be an aggravation of the offence, and shall render the offence a felony, and shall subject the offender to punishment by imprisonment in the penitentiary for two years, or in any other prison or place of confinement for any period exceeding one year and less than two years.*

153. If any person wilfully and maliciously displaces or removes any Railway switch or rail or any Railroad, or breaks down, rips up, injures or destroys any Railroad track or Railroad bridge, or fence of any Railroad or any portion thereof, or places any obstruction whatever on any such rail or Railroad track or bridge, or does or causes to be done any act whatever whereby an engine, machine or structure, or any matter or thing appertaining thereto is stopped, obstructed, impaired, weakened, injured or destroyed, with intent thereby to injure any person or property passing over or along such Railroad, and

and if in consequence thereof any person be killed or his life be lost, such person so offending shall be guilty of manslaughter, and being found guilty, shall be punished by imprisonment in the penitentiary for any period not more than ten nor less than four years.

154. If any person wilfully and maliciously does, or causes to be done, any act whatever whereby any building, fence, construction or work of any railroad, or any engine, machine or structure of any railroad, or any matter or thing appertaining to the same is stopped, obstructed, impaired, weakened, injured or destroyed, the person so offending shall be guilty of a misdemeanor and be punished by imprisonment with hard labour, not exceeding one year, in the common gaol of the territorial division in which the offence was committed or has been tried.

155. Every person wilfully obstructing any railway inspector in the execution of his duty shall, on conviction before a justice of the peace having jurisdiction in the place where the offence has been committed, forfeit and pay for every such offence any sum not exceeding forty dollars, and in default of payment of any penalty so adjudged, immediately or within such time as the said justice of the peace appoints, the same shall be determined on payment of the amount of the penalty; and every such penalty shall be returned to the next ensuing court of quarter sessions in the usual manner.

156. Every Railway Company shall, as soon as possible after the receipt of any order or notice of the Board of Railway Commissioners, give cognizance thereof to each of its officers and servants, in one or more of the ways mentioned in the one hundred and sixty-third section of this Act.

157. All orders of the said Railway Board of Commissioners shall be considered as made known to the said Railway Company by a notice thereof signed by the chairman and countersigned by the secretary of the said Board, and delivered to the president, vice-president, managing director, secretary or superintendent of the said Company, or at the office of the said Company.

158. If any officer or servant of, or person employed by, any Railway Company wilfully or negligently contravenes any by-law or regulation of the Company, lawfully made and in force, or any order or notice of the Board of Railway Commissioners, and of which a copy has been delivered to him, or has been posted up or open to his inspection in some place where his work or his duties, or any of them are to be performed, then if such contravention causes injury to any property, or to any person, or exposes any property or any person to the risk of injury or renders such risk greater than it would have been without such contravention, although no actual injury occurs, such contravention shall be a misdemeanor, and the person convicted thereof shall, in the discretion of the court before whom the conviction is had, and according as such court considers the offence proved to be more or less grave, or the injury or risk of injury to persons or property to be more or less great, be punished by fine or imprisonment, or both, so as no such fine exceeds four hundred dollars, nor any such imprisonment the term of five years; and such imprisonment, if for two years or upwards, shall be in the provincial penitentiary.

159. If such contravention does not cause injury to any property or person, nor expose any person or property to the risk of injury, nor make such risk greater than it would have been without such contravention, then the officer, servant, or other person guilty thereof shall thereby incur a penalty not exceeding the amount of thirty days' pay, or less than fifteen days' pay of the offender from the Company, in the discretion of the justice of the peace before whom the conviction is had; and such penalty shall be recoverable with costs before any one justice of the peace having jurisdiction where the offence has been committed, or where the offender is found, on the oath of one credible witness other than the informer.

160. One moiety of such penalty shall belong to Her Majesty for the public uses of the Province, and the other moiety to the informer, unless he be an officer or servant of, or person in the employ of, the Company, in which case he shall be a competent witness, and the whole penalty shall belong to Her Majesty for the uses aforesaid.

161. The Company may in all cases under this Act pay the amount of the penalty and costs, and recover the same from the offender or deduct it from his salary as pay.

162. Any Railway Company may, by a by-law, impose upon any officer, servant, or person who, before the contravention of such by-law has had notice thereof, and is employed by the Company, a forfeiture to the Company of not less than thirty days' pay of such officer or servant, for any contravention of such by-law, and may retain any such forfeiture out of the salary or wages of the offender.
26. WORKING OF THE RAILWAY.

No Railway or portion of any Railway shall be opened for the public conveyance of passengers until one month after notice in writing of the intention to open the same has been given, by the Company to whom the Railway belongs, to the Board of Railway Commissioners, and until ten days after notice in writing has been given by the said Company to the said Board of Railway Commissioners, of the time when the said Railway or portion of Railway will be, in the opinion of the Company, sufficiently completed for the safe conveyance of passengers and ready for inspection.

If any Railway or portion of a Railway be opened without such notices, the Company to whom such Railway belongs shall forfeit to Her Majesty the sum of two hundred dollars for every day during which the same continues open contrary to such order or direction.

Each Railway Company, which runs trains upon the Railway for the conveyance of passengers, shall provide and use the best apparatus for communication and arrangements as are to be used in and upon such trains, such as apparatus and arrangements as best afford good and sufficient means of keeping up and good and sufficient means of applying by the power of the steam engine or otherwise at the will of the engine driver, or other person appointed to such duty, the breaks to the truck wheels of the locomotive or tender, or both, or of all or any of the cars or carriages composing the trains, and of disconnecting the locomotive, tender and cars or carriages from each other by any such power or means, and also such apparatus and arrangements as best and most securely place and fix the seats or chairs in the cars or carriages, and shall alter such apparatus and arrangements or supply new apparatus and arrangements from time to time as the Board of Railway Commissioners, with the sanction of the Governor in Council, may order.

Every Railway Company shall make such by-laws and rules and regulations, to be observed by the conductors, engine drivers and other officers and servants of the Company, and by all other Companies and persons using the Railway of such Company, and such regulations with regard to the construction of the carriages and other vehicles to be used in such trains on the Railway of the Company, as are requisite for ensuring the employment and proper use of the aforesaid means of communication, application and disconnection.

Every Railway Company which fails to comply with Penalty for any of the provisions contained in the one hundred and sixty-first section.
174. Every Railway Company shall, within ten days after the first days of January and July in each and every year, make to the Board of Railway Commissioners, under the oath of the president, secretary or superintendent of the Company, a true and particular return of all accidents and casualties (whether to life or property) which have occurred on the Railway of the Company during the half-year next preceding each of the said periods respectively, setting forth:

1. The causes and nature of such accidents and casualties.
2. The points at which they occurred, and whether by night or by day;
3. The full extent thereof, and all particulars of the same; and
4. Shall also at the same time return a true copy of the existing by-laws of the Company, and of their rules and regulations for the management of the Company and of their Railway.

175. The Board of Railway Commissioners may order and direct from time to time the form in which such returns shall be made up, and may order and direct any Railway Company to make up and deliver to them from time to time, in addition to the said periodical returns, returns of serious accidents occurring in the course of the public traffic upon the Railway belonging to such Company, whether attended with personal injury or not, in such form and manner as the Board deem necessary and require for their information with a view to the public safety.

176. If such returns so verified be not delivered within the respective times herein prescribed, or within fourteen days after the same have been so required by the Board, every Company making default shall forfeit to Her Majesty the sum of one hundred dollars for every day during which the Company neglects to deliver the same.

177. All such returns shall be privileged communications and shall not be evidence in any court whatsoever.

27. BOARD OF RAILWAY COMMISSIONERS, THEIR DUTIES, &C.

178. The Receiver General, the Minister of Finance, the Commissioner of Public Works, and the Provincial Postmaster General, General, shall constitute a Board of Railway Commissioners; and each of the said officers shall be a member of the said Board by virtue of his office, and so long, and so long only as he holds the same; such one of the said officers as the members of the Board shall agree upon, shall be the Chairman and official organ of the Board; the Secretary for the Department of Public Works shall be the Secretary of the said Board; and any report concurred in by the majority of the Board shall be deemed the report of the Board.

179. The Board of Railway Commissioners shall, in addition to their other powers and duties, have and discharge the powers and duties in this Act prescribed, and may from time to time appoint such persons and qualified persons to be secretary of the said Board in the stead of the Secretary for the Department of Public Works.

28. RAILWAY INSPECTORS, THEIR DUTIES, &C.

180. The Governor in Council may appoint and authorize Railway Inspectors to their other powers and duties, have and discharge the powers and duties in this Act prescribed, and may from time to time appoint such persons and qualified persons to be secretary of the said Board in the stead of the Secretary for the Department of Public Works.

181. Every Railway Company and the officers and directors of such Companies to thereof shall afford to such inspector or inspectors every information and full and true explanations so far as may be in their power or knowledge on all matters inquired into by any such inspector or inspectors, and submit to such inspector or inspectors all plans, specifications, drawings, and documents relating to the construction or reconstruction, repair or state of repair of such Railway or any portion thereof, whether a bridge, culvert, or other part.

182. Any such inspector shall have the right to use the telegraph wires and machinery in the offices of or under the control of any such Railway Company, for the purpose of communicating with any of the officers of the said Company, or transmitting any order of any such inspector relating to such Railway.

183. The operators or officers employed in the telegraph offices of or under the control of the said Company, shall, without unnecessary delay, obey all orders of any such inspector or inspectors, and may use telegraph wires for what purpose they think proper.
for the purpose aforesaid, and any such operator or officer refusing or neglecting so to do, shall forfeit for every such offence the sum of forty dollars.

184. The authority of any such inspector shall be sufficiently evidenced by a paper in writing nominating him an Inspector of Railways or of any Railway in particular, signed by the chairman of the said Board of Railway Commissioners and countersigned by the secretary thereof.

When any railway bridge condemned by Commissioners or Inspectors, what to be done.

185. When any bridge, culvert, viaduct, tunnel, fence, road crossing, or cattle guard, or any other portion of any Railway constructed or in course of construction, or any locomotive, car or carriage used or for use on any Railway, has been condemned on the report of an inspector or inspectors, by the Board of Railway Commissioners, with the approval of the Governor in Council, or when any change or alteration therein or in any part thereof, or the substitution of any new bridge, culvert, viaduct or tunnel, or of any material for the said Railway, has been required by the Board of Railway Commissioners, with the approval of the Governor in Council, the Company to which such Railway belongs, or the Company using, running or controlling the same, shall, after notice thereof in writing, signed by the chairman of the said Board, and countersigned by the secretary thereof, proceed to make good or remedy the defects in the said portions of the Railway, or in the locomotive, car, or carriage which have been so condemned, or shall make such change, alteration, or substitution hereinafter referred to as has been required in manner aforesaid by the Board.

186. If, in the opinion of any such Railway inspector, it is dangerous for trains or vehicles to pass over any particular Railway, or any portion of a Railway, until alterations, substitutions or repairs have been made thereon, or that any particular car, carriage, or locomotive should be run or used, the said inspector may forthwith forbid the running of any train or vehicle over any such Railway or portion of Railway, or the running or using of any such car, carriage, or locomotive, by delivering or causing to be delivered to the president, managing director, or secretary or superintendent of the Company owning, running, or using such Railway, or to any officer having the management or control of the running of trains on such Railway, a notice in writing to that effect, with his reasons therefor, in which he shall distinctly point out the defects or nature of the danger to be apprehended.

What Commissioners may modify report of Inspectors.

187. The said inspector shall forthwith report the same to the said Board of Railway Commissioners, who, with the sanction of the Governor in Council, may either confirm, modify or disallow the act or order of the inspector, and such confirmation, modification or disallowance shall be duly notified to the Railway Company affected thereby.

188. The said Board of Railway Commissioners may, with the sanction of the Governor in Council, limit the number or times or speed of running of trains or vehicles, upon such Railway or portion of Railway, until such alterations or repairs as they may think sufficient have been made, or until such time as they think prudent; and the Company owning, running or using such Railway shall comply forthwith with any such order of the said Inspector or of the said Board, upon notice thereof as aforesaid; and for every act of non-compliance therewith, every such Railway Company shall forfeit to Her Majesty the sum of two thousand dollars.

189. Every Railway Company shall, as soon as possible and at least within forty-eight hours after the occurrence upon the Railway belonging to such Company of any accident attended with serious personal injury to any person using the same, or whereby any bridge, culvert, viaduct, or tunnel on or of the said Railway has been broken or so damaged as to be impassable or unfit for immediate use, give notice thereof to the Board of Railway Commissioners; and if any Company wilfully omits to give such notice, such Company shall forfeit to Her Majesty the sum of two hundred dollars for every day during which the omission to give the same continues.

190. No inspection had under this Act nor any thing in this Act contained or done or ordered or omitted to be done or ordered under or by virtue of the provisions of this Act, shall relieve or be construed to relieve any Railway Company of, or from, any liability or responsibility resting upon it by law either towards Her Majesty or towards any person, or the wife or husband, parent or child, executor or administrator, tutor or curator, heir or other personal representative of any person for any thing done or omitted to be done by such Company, or for any wrongfull act, neglect or default, misfeasance, malfeasance or nonfeasance, of such Company, or in any manner or way to lessen the liability or responsibility, or in any way to weaken or diminish the liability or responsibility of any such Company under the existing laws of the Province.

29. Railroad Fund.

191. From the twenty-seventh of May, one thousand eight hundred and fifty-seven, every Railway then or thereafter constructed shall, so soon as any portion thereof is in use, pay to the Receiver General an annual rate to be fixed by the Governor in Council, not exceeding ten dollars per mile of Railway constructed and in use; such rate to be paid half-yearly...
yearly on the first days of January and July in each year, and
to form a special fund for the purpose of this Act, to be called
"The Railway Inspection Fund."

30. CERTAIN SECTIONS LIMITED.

What the words "Railway Company," shall include.
See 20 Vic. cap. 12, sec. 21.
See Amendments of this Act, 23 Vic. cap. 29; and 24 Vic. cap. 17.

192. In the construction of the one hundred and fortyeth
to one hundred and fiftieth, the one hundred and fifty-fifth to
one hundred and fifty-seventh, the one hundred and sixty-fifth
to one hundred and seventy-seventh, and the one hundred and
seventy-ninth to one hundred and ninety-first sections of this
Act, the expression "Railway Company" shall include any
person being the owner or lessee of or contractor working any
Railway constructed or carried on under the powers of an Act
of Parliament.

31. HOW PENALTIES RECOVERED AND APPLIED.

How penalties recovered and applied.
See 20 Vic. cap. 12, sec. 20.
See Amendments of this Act, 23 Vic. cap. 29; and 24 Vic. cap. 17.

193. All penalties incurred under any of the sections of this
Act in the last section referred to, except penalties under the
one hundred and fifty-fifth section thereof, may be recovered in
the name of Her Majesty, by Her Majesty's Attorney-General
in any court having competent jurisdiction thereover; and all
penalties recovered under the other sections aforesaid, shall be
paid to the Receiver General to the credit of "The Railway
Inspection Fund."

"THE RAILWAY ACT AMENDMENT
ACT OF 1860."

23 VICTORIA, CHAP. 29.

An Act in Amendment of the Railway Act (22 Vic. chap. 66, 1859.)
(Assented to 19th May, 1860.)

Preamble.

HER Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

I. The justices of the peace for any county in Upper Canada, assembled at any General Quarter Sessions of the Peace, or any judge of the Court of Queen's Bench, or Superior Court, or clerk of the peace, or clerk of the crown, or inspector and superintendent of police, in Lower Canada, on the application of the board of directors of any Railway Company whose Railway passes within the local jurisdiction of such justices of the peace, judge, clerk, or inspector and superintendent of police, as may be, on the application of any clerk or agent of such Company thereto authorized by such board, may in their or his discretion, appoint any persons recommended to them for that purpose by such board of directors, clerk or agent, to act as constables on and along such Railway; and every person so appointed shall take an oath or make a solemn declaration in the form or to the effect following, that is to say:

"I, A. B., have been appointed a constable to act upon Oath of office,
and along (here name the Railway,) under the provisions of
(here insert the title of this Act,) do swear that I will well
and truly serve our Sovereign Lady the Queen, in the said
office of constable, without favour or affection, malice or ill
will, and that I will, to the best of my power, cause the peace
to be kept, and prevent all offences against the peace, and that
while I continue to hold the said office, I will, to the best of
my skill and knowledge, discharge the duties thereof faithfully, according to law. So help me God."

Such oath or declaration shall be administered in Upper Canada by any one such justice, and in Lower Canada, by any such judge, clerk, or inspector and superintendent of police.
And every constable so appointed, and having taken such oath or made such declaration as aforesaid, shall have full power to act as a constable for the preservation of the peace and for the security of persons and property against felonies and other unlawful acts, on such Railway, and on any of the works belonging thereto, and on and about any trains, roads and wharves, quays, landing places, warehouses, lands and premises belonging to such Company, whether the same be in the county, city, district or other local jurisdiction within which he was appointed, or in any other place through which such railroad passes or in which the same terminates, or through or to which any Railway passes, which may be worked or leased by such Railway Company, and in all places not more than one quarter of a mile distant from such Railway or Railways; and shall have all such powers, protections and privileges for the apprehending of offenders, as well by night as by day, and for doing all things for the prevention, discovery and prosecution of felonies and other offences, and for keeping the peace, which any constable duly appointed has within his constablewick; and it shall be lawful for any such constable to take such persons as may be punishable by sum. Constables, duties of such Constables, and to what localities they shall extend.
district or other local jurisdiction within which any such Railway may pass; and every such justice shall have authority to deal with all such cases, as though the offence had been committed and the person taken within the limits of his own local jurisdiction.

2. Any two justices of the peace in Upper Canada, and any judge of the Court of Queen's Bench or Superior Court, or clerk of the peace, of the crown, or inspector and superintendent of police in Lower Canada, may dismiss any such constable who may be acting within their several jurisdictions; and the board of directors of such Railway Company, or any clerk or agent of such Company thereto authorized by such board, may dismiss any such constable who may be acting on such Railway; and upon every such dismissal, all powers, protections and privileges belonging to any such person by reason of such appointment, shall wholly cease; and no person so dismissed shall be again appointed or act as a constable for such Railway, without the consent of the authority by which he was dismissed.

3. Every such Railway Company shall cause to be recorded in the office of the clerk of the peace, for every county, city, district or other local jurisdiction wherein such Railway or Railways may pass, the name and designation of every constable so appointed at their instance, the date of his appointment, and the authority making it, and also the fact of every dismissal of any such constable, the date thereof, and the authority making the same, within one week after the date of such appointment or dismissal, as may be; and every such clerk of the peace shall keep such record in a book to be open to public inspection, charging such fee or fees only as the Governor in Council may from time to time authorise, and in such form as the Governor in Council may from time to time direct.

4. Every such constable who shall be guilty of any neglect or breach of duty in his office of constable, shall be liable, on summary conviction thereof within any county, city, district or other local jurisdiction wherein such Railway may pass, to a penalty of not more than eighty dollars, or to imprisonment, with or without hard labour, for not more than two months in such gaol as aforesaid.

5. Every person who shall assault or resist any constable appointed as aforesaid, in the execution of his duty, or who shall incite any person so to assault or resist, shall, for every such offence, be liable, on like summary conviction, to a penalty of not more than eighty dollars, or to imprisonment, with or without hard labour, for not more than two months in such gaol as aforesaid.

6. Every person who shall bore, pierce, cut, open or otherwise injure any cask, box, or package containing wine, spirits, or other liquors, or any case, box, sack, wrapper, package or roll of goods, in, on or about any car, waggon, boat, vessel, warehouse, station-house, wharf, quay, or premises of or belonging to any such Railway Company with intent feloniously to steal, or otherwise unlawfully to obtain or to injure the contents or any part thereof, or who shall unlawfully drink, or wilfully spill or allow to run to waste, any such liquors or any part thereof, shall, for every such offence, be liable, on like summary conviction, to a penalty of not more than twenty dollars, over and above the value of the goods or liquors so taken and destroyed, or to imprisonment, with or without hard labour, for not more than one month, in such gaol as aforesaid.

7. For any offence against the provisions of this Act, punishable by summary conviction, it shall be lawful to proceed against the offender, either in the manner provided by this Act, or according to the provisions of the Act, respecting the duties of Justices of the Peace out of Sessions, in relation to summary convictions and orders, forming the one hundred and third chapter of the Consolidated Statutes of Canada, in regard to any acts and offences in such Act mentioned; and it shall be lawful to use, pursue, and adopt any or all of the forms, directions, modes of procedure, remedies and proceedings (as well in regard to witnesses and parties as others), mentioned or provided in such Act in all complaints, prosecutions, convictions, levies and proceedings for offences against this Act.

8. In all cases of complaint by summary proceeding before a Justice of the Peace in Upper Canada, against any person for a violation of any of the provisions of this Act, all decisions, convictions and orders made by such Justice shall be subject to appeal in the manner and under the provisions prescribed in the Act "Respecting appeals in cases of summary convictions," forming the one hundredth and fourteenth chapter of the Consolidated Statutes for Upper Canada.

9. Whenever any level crossing on any Railway shall be out of repair, the warden, mayor, reeve, or other chief officer of the municipality having jurisdiction over the Railway so level crossing, may serve a notice upon the Company in the usual manner, requiring the repair to be forthwith made; and if the Company shall not forthwith make the same, such officer may transmit a copy of the notice so served to the Inspector of Railways;
Railways; and thereupon it shall be the duty of said Inspector, with all possible dispatch, to appoint a day when he will examine into the matter; and he shall by mail give notice to such warden, mayor or reeve, and to the Company of the day he shall so fix; and upon the day so named he shall examine such crossing; and any certificate under his hand shall be final on the subject so in dispute between the parties; and if the said Inspector shall determine that any repairs are required, he shall specify the nature thereof in his said certificate, and direct the Company to make the same; and the Company shall thereupon, with all possible dispatch, comply with the requirements of such certificate; and in case of default, the municipality within whose jurisdiction the said crossing is situate may make such repairs, and may recover all costs, expenses, and outlays in the premises by action against the Company in any court of competent jurisdiction, as money paid to the Company's use: Provided always, that neither this section nor any proceeding had thereunder shall at all affect any liability otherwise attaching to such Company in the premises.

Proviso.

10. Whenever any judge of a county court in Upper Canada is interested in lands taken or required within the county in which he is such judge, by any Railway Company, for Railway purposes, any judge, of any of the superior courts at Toronto, shall, on application of such Company, exercise in such case all the powers given to such judge of a county court by the eleventh section of the Railway Act, in cases in which he, such judge of a county court, is not interested.

Extent of Act.

11. The provisions of this Act shall apply to every Railway made or to be made in this Province.

Short title.

12. This Act shall be cited as "The Railway Act Amendment Act of 1860."
3. Whenever any county judge shall be or is interested in lands taken or required within the county in which he is such judge, by any Railway Company, for railway purposes, any judge of any of the superior courts in Upper or Lower Canada shall, on application of such Company, exercise in such case all the powers of the county court judge given to him by the said eleventh section of the said Act, in cases in which he, the county judge, is not interested.

4. The one hundred and thirty-first section of the Railway Act is hereby amended by adding thereto the following proviso:

Provided always, that every Railway Company shall, according to their respective powers, afford all reasonable facilities to any other Railway Company for the receiving and forwarding and delivering of traffic upon and from the several Railways belonging to or worked by such Companies respectively, and for the return of carriages, trucks and other vehicles; and no such Company shall give or continue any preference or advantage to or in favour of any particular Company or any particular description of traffic, in any respect whatsoever, nor shall any such Company subject any particular Company or any particular description of traffic to any prejudice or disadvantage in any respect whatsoever. And every Railway Company having or working a Railway which forms part of a continuous line of Railway, or which intersects any other Railway, or which has any terminus, station or wharf of the one near any terminus, station or wharf of the other, shall afford all due and reasonable facilities for receiving and forwarding, by the one of such Railways, all the traffic arriving by the other, without any unreasonable delay, and without any such preference or advantage or prejudice or disadvantage as aforesaid, and so that no obstruction may be offered in the using of such Railway as a continuous line of communication, and so that all reasonable accommodation may, at all times, by the means aforesaid, be mutually afforded by and to the said several Railway Companies; and any agreement between any two or more Railway Companies contrary to the foregoing provisions, made after the passing of this Act, shall be unlawful, null and void.

5. If any officer, servant, or agent of any Railway Company, having the superintendence of the traffic at any station or depot thereof, refuses or neglects to receive, convey or deliver at any station or depot of the Company for which they may be destined, any passenger, goods or things, brought, conveyed or delivered to him or to such Company, for conveyance over or along their Railway from that of any other Company, intersecting with or coming near to such first-mentioned Railway, or in any way willfully contravenes the provisions of the next preceding section, such first-mentioned Railway Company, or such officer, servant, or agent, personally, shall, for such neglect or refusal, incur a penalty not exceeding fifty dollars over and above the actual damages sustained; which penalty may be recovered with costs, in a summary way, before any justice of the peace, by the Railway Company or any other party aggrieved by such neglect or refusal, and to and for the use and benefit of such Company, or other party so aggrieved.

6. For the purposes of the two next preceding sections, the word "traffic" includes not only passengers and their baggage, goods, animals and things conveyed by Railway, but also cars, trucks and vehicles of any description adapted for running over any Railway;—the word "Railway" includes all stations and depots of the Railway;—the expression "Railway Company" includes all parties owning, leasing or working any Railway;—and a Railway shall be deemed to come near another when some part of the one is within one mile of some part of the other.

7. This Act shall form part of the Railway Act, and shall be construed as applying to any Railway Company incorporated or to be hereafter incorporated, to which the provisions of the said Railway Act apply, and shall have effect accordingly.

8. The interest of the purchase-money or rent of any real property acquired or leased by any Railway Company, and necessary to the efficient working of such Railway, and the price or purchase-money of any real property or thing without which the railway could not be efficiently worked, shall be considered to be part of the expenses of working such railway, and shall be paid as such out of the earnings of the Railway.

34 VICTORIA, CHAP. II.

An Act in aid of Railways.

[Assented to 15th February, 1871.]

WHEREAS it is expedient to give aid towards the construction of railways leading to or through sections of the country remote from existing thoroughfares, or passing through thinly
thinly settled tracts, or leading to the Free Grant Territory, or to the inland waters; Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. For the purposes aforesaid the sum of one million five hundred thousand dollars shall be set apart from and out of the Consolidated Revenue Fund of this Province, and form a fund to be designated and known as the “Railway Fund.”

2. From and out of the said Railway Fund the Lieutenant-Governor in Council may, by order in Council, authorize payments to be made from time to time to any incorporated railway company of a sum or sums of not less than two thousand dollars per mile nor more than four thousand dollars per mile of any portion or portions of such railway, and that any of such payments may be made after the Commissioner of Agriculture and Public Works shall have reported, for the information of the Lieutenant-Governor in Council, that such company has completed such portion of its road in respect of which payment is to be made, including sidings and stations, within the period for completion of the road named in the Act or Acts relating thereto; Provided, that no payment shall be made under any such authority till the said Commissioner shall have reported as aforesaid.

3. No such authority shall be given in respect of any portion of a railway for the construction of which portion a contract has been entered into prior to the seventh day of December, in the year of our Lord one thousand eight hundred and seventy, nor until the company desirous of obtaining aid and payment out of the said Railway Fund, shall have furnished proof, to the satisfaction of the Lieutenant-Governor in Council, that the bona fide subscribed capital of the company, together with any bonuses or loans by municipal corporations thereto, and the proceeds of bonds to be issued or authorized by the Act incorporating the company or any Act amending the same, leaves no reasonable doubt that such road, or portion or portions thereof in respect of which payment is to be made, shall be commenced and completed, including sidings and station houses, so as to be ready for the rolling stock within the period mentioned in such Act or Acts for completion of the railway; and that any such Act or Acts authorizes the construction of a railway as referred to in the preamble of this Act.

An Act to make further Provision in Aid of Railways.

[Assented to 2nd March, 1872.]

WHEREAS the Legislature having established a scheme, for aiding in the construction of railways, it is right, that the public funds, appropriated for that purpose, should be adequate to the granting of aid to all proper enterprises, so far as that can be accomplished consistently with the retention of such a proportion of the public funds as may be requisite to do justice to all sections of the country and to an extent not greater than is provided by this Act, and whereas it is therefore expedient to make further provision in aid of Railways:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:

1. The sum of Four Hundred Thousand Dollars shall be set apart from and out of the Consolidated Revenue Fund of this Province, and shall be added to and form part of the fund designated and known as the Railway Fund, established under the Act in Aid of Railways.

2. The sum of One Hundred Thousand dollars yearly, for twenty years, shall be set apart from and out of the Consolidated Revenue Fund of this Province, and shall form a Fund to be designated and known as the Railway Subsidy Fund.

3. The provisions of the Act in Aid of Railways, and of any Act amending the same, shall, save in so far as they may be railways to apply, inconsistent with the provisions of this Act, apply to the authorization and payment of any grant out of the Railway Subsidy Fund.

4. The sum to be granted to any Railway Company out of Grants out of the Railway Subsidy Fund shall not be less than one hundred and twenty dollars, or more than two hundred and forty dollars per mile per annum for twenty years on the portion aided.

5. Scrip or certificates may be issued in respect of any Scrip, grant out of the Railway Subsidy Fund after payment thereof has been duly authorized, and the Commissioner of Agriculture and
and Public Works has duly reported as provided by the Act in Aid of Railways.

6. No railway company of whose line any portion is aided from the Railway Fund, shall be entitled to aid from the Railway Subsidy Fund in respect of such portion.

Railway companies to comply with conditions.

7. No railway company which does not come within the terms and provisions, and comply with the conditions of the Act in Aid of Railways, and any Act amending the same, shall be entitled to aid from the Railway Subsidy Fund.

8. No portion of the Railway Subsidy Fund, provided by this Act, shall be applied in aid of Railways until such time as Orders in Council shall have been passed exhausting the whole of the Railway Fund appropriated by this Act, and the Act passed in the thirty-fourth year of the reign of Her Majesty Queen Victoria, and chaptered two.

CAP. XXV.

An Act to enable certain Railway Companies to provide the necessary accommodations for traffic over their Railways and to amend the Railway Act of the late Province of Canada.

[Assented to 2nd March, 1872].

WHEREAS it may happen that a railway company may require at certain stations or places, more ample space for the proper accommodation of their traffic and of the public, than they now possess, or than they can take and acquire under the Act or Acts incorporating or applying to such company; and it is necessary in the public interest that the most ample accommodation should be furnished for such traffic: And whereas it is also expedient to make certain amendments to The Railway Act of the late Province of Canada:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Whenever any railway company subject to the legislative authority of the Legislative Assembly of the Province of Ontario, requires at any station or place on the line of such railway, more ample space for the convenient accommodation of the public and of the traffic on the railway than they then possess,
the acquiring or taking of such ground or any part thereof, with or without the consent of the proprietors; and if at any time thereafter the company shall not require the whole or any portion of the land acquired under this Act for railway purposes, then such land as is not so required shall be sold by auction after thirty days' notice thereof in any local newspaper.

4. Any such certificate as aforesaid, purporting to be signed by the said Commissioner, shall be received as authentic in all courts of law or equity, without proof of such signature or other evidence, unless its authenticity be called in question on behalf of the Crown.

5. The arbitrators mentioned in the eleventh section of The Railway Act of the late Province of Canada, headed "lands and their valuation," in deciding on such value or compensation, are authorized and required to take into consideration the increased value that would be given to any lands or grounds through or over which the railway will pass by reason of the passage of the railway through or over the same, or by reason of the construction of the railway, and to set off the increased value that will attach to the said lands or grounds, against the inconvenience, loss or damage that might be suffered or sustained by reason of the company taking possession of or using the said lands or grounds as aforesaid.

6. The provisions of this Act shall apply to every railway company heretofore, or which may be hereafter incorporated, under the authority of the Legislative Assembly of the Province of Ontario.

7. The Act of the late Province of Canada, headed "lands and their valuation," in deciding on such value or compensation, in the construction of the railway, and to set off the increased value that will attach to the said lands or grounds, against the inconvenience, loss or damage that might be suffered or sustained by reason of the company taking possession of or using the said lands or grounds as aforesaid.

8. The Act of the late Province of Canada, headed "lands and their valuation," in deciding on such value or compensation, in the construction of the railway, and to set off the increased value that will attach to the said lands or grounds, against the inconvenience, loss or damage that might be suffered or sustained by reason of the company taking possession of or using the said lands or grounds as aforesaid.

9. The Act of the late Province of Canada, headed "lands and their valuation," in deciding on such value or compensation, in the construction of the railway, and to set off the increased value that will attach to the said lands or grounds, against the inconvenience, loss or damage that might be suffered or sustained by reason of the company taking possession of or using the said lands or grounds as aforesaid.

10. The Act of the late Province of Canada, headed "lands and their valuation," in deciding on such value or compensation, in the construction of the railway, and to set off the increased value that will attach to the said lands or grounds, against the inconvenience, loss or damage that might be suffered or sustained by reason of the company taking possession of or using the said lands or grounds as aforesaid.

11. The Act of the late Province of Canada, headed "lands and their valuation," in deciding on such value or compensation, in the construction of the railway, and to set off the increased value that will attach to the said lands or grounds, against the inconvenience, loss or damage that might be suffered or sustained by reason of the company taking possession of or using the said lands or grounds as aforesaid.

12. The Act of the late Province of Canada, headed "lands and their valuation," in deciding on such value or compensation, in the construction of the railway, and to set off the increased value that will attach to the said lands or grounds, against the inconvenience, loss or damage that might be suffered or sustained by reason of the company taking possession of or using the said lands or grounds as aforesaid.

13. The Act of the late Province of Canada, headed "lands and their valuation," in deciding on such value or compensation, in the construction of the railway, and to set off the increased value that will attach to the said lands or grounds, against the inconvenience, loss or damage that might be suffered or sustained by reason of the company taking possession of or using the said lands or grounds as aforesaid.

14. The Act of the late Province of Canada, headed "lands and their valuation," in deciding on such value or compensation, in the construction of the railway, and to set off the increased value that will attach to the said lands or grounds, against the inconvenience, loss or damage that might be suffered or sustained by reason of the company taking possession of or using the said lands or grounds as aforesaid.

15. The Act of the late Province of Canada, headed "lands and their valuation," in deciding on such value or compensation, in the construction of the railway, and to set off the increased value that will attach to the said lands or grounds, against the inconvenience, loss or damage that might be suffered or sustained by reason of the company taking possession of or using the said lands or grounds as aforesaid.

16. The Act of the late Province of Canada, headed "lands and their valuation," in deciding on such value or compensation, in the construction of the railway, and to set off the increased value that will attach to the said lands or grounds, against the inconvenience, loss or damage that might be suffered or sustained by reason of the company taking possession of or using the said lands or grounds as aforesaid.

17. The Act of the late Province of Canada, headed "lands and their valuation," in deciding on such value or compensation, in the construction of the railway, and to set off the increased value that will attach to the said lands or grounds, against the inconvenience, loss or damage that might be suffered or sustained by reason of the company taking possession of or using the said lands or grounds as aforesaid.

18. The Act of the late Province of Canada, headed "lands and their valuation," in deciding on such value or compensation, in the construction of the railway, and to set off the increased value that will attach to the said lands or grounds, against the inconvenience, loss or damage that might be suffered or sustained by reason of the company taking possession of or using the said lands or grounds as aforesaid.

19. The Act of the late Province of Canada, headed "lands and their valuation," in deciding on such value or compensation, in the construction of the railway, and to set off the increased value that will attach to the said lands or grounds, against the inconvenience, loss or damage that might be suffered or sustained by reason of the company taking possession of or using the said lands or grounds as aforesaid.

20. The Act of the late Province of Canada, headed "lands and their valuation," in deciding on such value or compensation, in the construction of the railway, and to set off the increased value that will attach to the said lands or grounds, against the inconvenience, loss or damage that might be suffered or sustained by reason of the company taking possession of or using the said lands or grounds as aforesaid.

21. The Act of the late Province of Canada, headed "lands and their valuation," in deciding on such value or compensation, in the construction of the railway, and to set off the increased value that will attach to the said lands or grounds, against the inconvenience, loss or damage that might be suffered or sustained by reason of the company taking possession of or using the said lands or grounds as aforesaid.

22. The Act of the late Province of Canada, headed "lands and their valuation," in deciding on such value or compensation, in the construction of the railway, and to set off the increased value that will attach to the said lands or grounds, against the inconvenience, loss or damage that might be suffered or sustained by reason of the company taking possession of or using the said lands or grounds as aforesaid.

23. The Act of the late Province of Canada, headed "lands and their valuation," in deciding on such value or compensation, in the construction of the railway, and to set off the increased value that will attach to the said lands or grounds, against the inconvenience, loss or damage that might be suffered or sustained by reason of the company taking possession of or using the said lands or grounds as aforesaid.

24. The Act of the late Province of Canada, headed "lands and their valuation," in deciding on such value or compensation, in the construction of the railway, and to set off the increased value that will attach to the said lands or grounds, against the inconvenience, loss or damage that might be suffered or sustained by reason of the company taking possession of or using the said lands or grounds as aforesaid.

25. The Act of the late Province of Canada, headed "lands and their valuation," in deciding on such value or compensation, in the construction of the railway, and to set off the increased value that will attach to the said lands or grounds, against the inconvenience, loss or damage that might be suffered or sustained by reason of the company taking possession of or using the said lands or grounds as aforesaid.

26. The Act of the late Province of Canada, headed "lands and their valuation," in deciding on such value or compensation, in the construction of the railway, and to set off the increased value that will attach to the said lands or grounds, against the inconvenience, loss or damage that might be suffered or sustained by reason of the company taking possession of or using the said lands or grounds as aforesaid.

27. The Act of the late Province of Canada, headed "lands and their valuation," in deciding on such value or compensation, in the construction of the railway, and to set off the increased value that will attach to the said lands or grounds, against the inconvenience, loss or damage that might be suffered or sustained by reason of the company taking possession of or using the said lands or grounds as aforesaid.

28. The Act of the late Province of Canada, headed "lands and their valuation," in deciding on such value or compensation, in the construction of the railway, and to set off the increased value that will attach to the said lands or grounds, against the inconvenience, loss or damage that might be suffered or sustained by reason of the company taking possession of or using the said lands or grounds as aforesaid.

29. The Act of the late Province of Canada, headed "lands and their valuation," in deciding on such value or compensation, in the construction of the railway, and to set off the increased value that will attach to the said lands or grounds, against the inconvenience, loss or damage that might be suffered or sustained by reason of the company taking possession of or using the said lands or grounds as aforesaid.

30. The Act of the late Province of Canada, headed "lands and their valuation," in deciding on such value or compensation, in the construction of the railway, and to set off the increased value that will attach to the said lands or grounds, against the inconvenience, loss or damage that might be suffered or sustained by reason of the company taking possession of or using the said lands or grounds as aforesaid.

31. The Act of the late Province of Canada, headed "lands and their valuation," in deciding on such value or compensation, in the construction of the railway, and to set off the increased value that will attach to the said lands or grounds, against the inconvenience, loss or damage that might be suffered or sustained by reason of the company taking possession of or using the said lands or grounds as aforesaid.

32. The Act of the late Province of Canada, headed "lands and their valuation," in deciding on such value or compensation, in the construction of the railway, and to set off the increased value that will attach to the said lands or grounds, against the inconvenience, loss or damage that might be suffered or sustained by reason of the company taking possession of or using the said lands or grounds as aforesaid.

33. The Act of the late Province of Canada, headed "lands and their valuation," in deciding on such value or compensation, in the construction of the railway, and to set off the increased value that will attach to the said lands or grounds, against the inconvenience, loss or damage that might be suffered or sustained by reason of the company taking possession of or using the said lands or grounds as aforesaid.

34. The Act of the late Province of Canada, headed "lands and their valuation," in deciding on such value or compensation, in the construction of the railway, and to set off the increased value that will attach to the said lands or grounds, against the inconvenience, loss or damage that might be suffered or sustained by reason of the company taking possession of or using the said lands or grounds as aforesaid.

35. The Act of the late Province of Canada, headed "lands and their valuation," in deciding on such value or compensation, in the construction of the railway, and to set off the increased value that will attach to the said lands or grounds, against the inconvenience, loss or damage that might be suffered or sustained by reason of the company taking possession of or using the said lands or grounds as aforesaid.

36. The Act of the late Province of Canada, headed "lands and their valuation," in deciding on such value or compensation, in the construction of the railway, and to set off the increased value that will attach to the said lands or grounds, against the inconvenience, loss or damage that might be suffered or sustained by reason of the company taking possession of or using the said lands or grounds as aforesaid.
CAP. XXXVII.

An Act respecting the Railway Fund and the Railway Subsidy Fund.

[Assented to 24th March, 1874.]

WHEREAS the Legislature has appropriated the sum of one million nine hundred thousand dollars out of the Consolidated Revenue Fund of this Province for aiding the construction of railways, and has enacted that such sum shall form the Railway Fund, and has also appropriated the sum of one hundred thousand dollars yearly for twenty years from the passing of the Act intituled, "An Act to make further provision in aid of Railways" out of the said Consolidated Revenue Fund, and has enacted that such yearly sums shall form the Railway Subsidy Fund: And whereas for more effectually securing the object of the Legislature in establishing the said funds, it is expedient to amend certain of the provisions of the Acts relating thereto, and to make certain further provisions:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Every Order in Council made under the provisions of the said recited Acts or of this Act, and which Order is or becomes operative by the ratification of the Legislative Assembly, shall be so construed and read that, upon the fulfilment of the conditions contained in such Order in Council, the Lieutenant-Governor in Council may, at his option, direct that the payment by the said Order in Council authorized may be made out of the Railway Fund, or out of the Railway Subsidy Fund, from any part of the said funds respectively which has not been exhausted by actual payments directed to be made there-out by Orders in Council; and in directing the said payment at the yearly rate of one hundred and ninety-four dollars forty cents per mile of railway, payable half yearly for the full period of twenty years, computed from the first day of January, one thousand eight hundred and seventy-two, such yearly payment shall be deemed and taken as equivalent to the payment in hand at the rate of two thousand dollars per mile of railway, and vice versa, and in the like proportion where the grant in aid per mile is greater or less than at the said rate of two thousand dollars per mile, or the said yearly rate of one hundred and ninety-four dollars forty cents per mile, notwithstanding the same may be less than one hundred and twenty or in excess of two hundred and forty dollars per annum.

2. In every case where the conditions of the Order in Council in respect of the grant of aid have been fulfilled and the rail-
way company is entitled to actual payment in hand or its equivalent yearly payments, the Lieutenant-Governor in Council may, by Order in Council, direct that such payments may be made out of the said respective Railway Funds to such railway company accordingly; and such Order in Council shall operate to charge, in favour of such railway company, the fund out of which such payment or payments is or are directed to be made, with the payment or payments thereof; and such railway company shall thereupon become entitled to payment of the said amounts at the times and in the manner mentioned in such Order in Council without any abatement.

Charge created by the Order.

Annulling the Order.

3. In any case where an Order in Council is passed under the provisions of the said recited Acts, and is operative by the ratification of the Legislative Assembly, and has not lapsed through the non-performance or non-observance of any of the conditions in that behalf in the said order contained, the Lieutenant-Governor nevertheless upon being satisfied that there is no reasonable doubt that such railway or portion or portions thereof in respect of which the grant of aid is made will not be completed within the period mentioned in the Act incorporating such railway company and limited for the completion of such railway or of such portion or portions thereof, may, by Order in Council, declare that the said Order in Council for the grant of aid ought to become null and void in respect of the railway or portion or portions thereof so incomplete, and that the said grant of aid should lapse, and, upon the ratification of such Order by resolution of the Legislative Assembly, the said Order in Council for grant of aid and the said grant of aid in respect of said incompleted railway or portion or portions thereof shall be annulled and avoided accordingly.

CAP. XV.
An Act respecting Railway Arbitrations.

[Assented to 21st December, 1874.]

WHEREAS it is expedient to compel by subpoena the attendance of witnesses before arbitrators appointed under the Railway Act, and to give a right of appeal from the award of such arbitrators:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Any party to an arbitration under the Railway Act, or the Railway Act, 1868, may, without leave or order, obtain and issue out of any one of the Superior Courts upon praecipe, setting forth the names of the witnesses to be subpoenaed, the names of the arbitrators, and the place and time of meeting, a subpoena commanding the attendance for examination of any witness, and also the production of any document to or before the arbitrator or arbitrators, and at the time and place mentioned in such subpoena; and the disobedience of such subpoena shall be deemed a contempt of Court, and shall be punishable in the same manner and to the like extent as in the case of subpoenas issued out of such Court in a civil case.

Disobedience deemed contempt of Court.

2. The same fees shall be payable for such subpoenas as in the case of subpoenas issued out of such Superior Court in civil cases, and the witness shall be entitled to the like conduct money.

3. The depositions of witnesses examined before such arbitrators shall be taken down in writing, and shall forthwith after and with the making of their award, delivered or by registered letter transmitted by the arbitrators to the Clerk of Records and Writs of the Court of Chancery, with appropriate stamps, and shall be filed by such clerk with the records of the Court.

Depositions to be in writing and filed with Clerk of Records and Writs.

4. Any party to such arbitration may, within one month after receiving a written notice from one of the arbitrators of the making of the award, appeal therefrom upon any question of law or fact to a Judge of any of the Superior Courts of law or equity, and upon the hearing of such appeal such Judge shall, if the same be a question of fact, decide the same upon the evidence, as in a case of original jurisdiction.
5. Upon any such appeal the practice and proceedings shall be, as near as may be, the same as upon an appeal from a decision of the Judge of the County Court in insolvency.

6. The right of appeal hereby given shall not affect the existing law or practice as to setting aside awards.

An Act to incorporate the Fort Erie Railway Company.

[Assessed to 10th June, 1857.]

WHEREAS certain persons have petitioned that an Act may be passed authorizing the construction of a Railway from the Village of Fort Erie, in the Township of Bertie, in the County of Welland, to the Suspension Bridge below the Falls and to Port Robinson, branching off at any point which may be most convenient to connect with the "Erie and Ontario Railway," and with the "Port Dalhousie and Thorold Railway," in the same county; and whereas a Railway so constructed would tend to the improvement of the section of country through which it would pass; Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada enacts as follows:

1. Duncan Macfarland, James Cummings, Alexander Douglas, William A. Thomson, Nelson Forsyth, George Hardison, James Stanton, William Wallace, Leonard M. Mathews, Daniel Lambert, John W. Lewis, Richard Graham, John Frazer, M.P.P., Arthur Johnson and William Russell, Esquires, together with such other person or persons, corporations or municipalities, as shall, under the provisions of this Act, become shareholders in the Company hereby incorporated, shall be and are hereby ordained, constituted and declared to be a body corporate and politic, by and under the name of the Fort Erie Railway Company.

2. 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 last mentioned Act, 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," "Shares and their Transfer," "Municipalities," "Shareholders," "Actions for Indemnity and Fines and Penalties and their prosecution," "Working of the Railway," and "General Provisions," shall be incorporated with this Act, and shall accordingly apply to the said Company and the said Railway, except only in so far as they may be inconsistent with the express enactments hereof; and
and the expression "this Act," when used herein, shall be understood to include the provisions of the Railway Clauses Consolidation Act, which are incorporated with this Act as aforesaid.

2. The said Company and their servants and agents shall have power by virtue of this Act to lay out, construct and complete a Railway between Fort Erie in the County of Welland, and the Village of Chippewa, in the same county, with a branch from some point on the said road near the great bend of the Niagara River, in the Township of Willoughby, to Port Robinson in the said county, with full power to pass over any portion of the intermediate country and to make such connections with the Erie and Ontario Railway and the Port Dalhousie and Thorold Railway, as provided for by the ninth section of the Railway Clauses Consolidation Act; Provided always, that the said Company shall and are hereby authorized to lease, purchase or otherwise acquire from the Erie and Ontario Railroad Company, such portion of the track and property of the Company last mentioned, as lies between their depot in the Town of Clifton, and the terminus of their Railroad in the Village of Chippewa.

4. Deeds or Conveyances under this Act, for the 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 parties who shall make such conveyances will admit, be made in the form given in the Schedule to this Act marked A. and all Registrars are hereby required to register in their registry books such deeds, on the production thereof and proof of execution, without any memorial, and to minute every such entry on the deed; the said Company are to pay the Registrar for so doing the sum of two shillings and six pence currency, and no more.


6. It shall and may be lawful for the Provisional Directors, for the time being, of the said Company, or a majority of them, to supply the place or places of any of their number from time to time dying or declining to act as such Provisional Director or Directors, out of the several subscribers for stock in their said Railway, to the amount of at least two hundred pounds currency each, during the period of their continuance in office, and such provisional Directors, except as hereinafter is excepted, shall be and they are hereby invested with all the powers, rights, privileges and indemnities, and they shall be and are hereby made subject unto the like restrictions as the Elected Directors of the said Company upon their being elected by the stockholders of the said Company, as hereinafter provided, would, under the provisions of the Railway Clauses Consolidation Act, and of this Act, become invested with or subject unto respectively.

7. When and so soon as shares to an amount equivalent to fifty thousand pounds, provincial currency, in the capital stock of the said Company shall be taken, and ten pounds per centum thereon shall have been paid into some of the chartered Banks of this Province, it shall and may be lawful for the Provisional Directors of the said Company for the time being, to call a meeting of the subscribers for stock in the said Company (who have paid ten per centum thereon aforesaid) the Village of Fort Erie, or such other place along the line of the proposed Railway as may be deemed most convenient by the said Provisional Directors, for the purpose of electing Directors of the said Company; Provided always, that if the said Provisional Directors shall neglect or omit to call such meeting, then the same may be called by any five of the holders of shares in the said Company holding not less than two hundred and fifty pounds each, provincial currency: And Provided always, that in either case public notice of the time and place of holding such meeting shall be given during one month in some one newspaper published in the said County of Welland; and at such general meeting the Election of Directors.

8. The Directors so elected, or those appointed in their stead in case of vacancy, shall remain in office until the first Wednesday in June in each year thereafter, or on such other day as may be appointed by any By-Law of the Company, an annual general meeting of the shareholders shall be held at the office of the Company for the time being, to choose nine Directors.
tors in the room of those whose period of office shall have expired, and, generally, to transact the business of the Company; but if at any time it should appear to any ten or more of such shareholders, holding together the amount of five thousand pounds, provincial currency, of shares at the least, that a special general meeting of the shareholders is necessary to be held, it shall and may be lawful for such ten or more of them to cause fifteen days' notice at least to be given thereof in such newspaper as is hereinafore provided, or in such manner as the Company shall by any By-law direct or appoint, specifying in such notice the time and place and the reason and intention of such special meeting respectively: and the shareholders are hereby authorized to meet pursuant to such notice, and proceed to the execution of the powers of this Act, given to them, with respect to the matter so specified only, and all such acts of the shareholders, or the majority of them, at such special meeting assembled, such majorities not having, either as principals or proxies, less than one hundred shares, shall be as valid to all intents and purposes as if the same were done at an annual meeting.

9. For the purpose of making, constructing and maintaining the Railway and other works necessary for the proper use and enjoyment of the Railway by this Act authorized to be constructed, it shall and may be lawful for the Directors of the said Company for the time being, to raise in such manner by loan, subscription of stock, issuing of shares or otherwise as to the Directors of the said Company for the time being shall from time to time seem fit, the sum of one hundred and twenty-five thousand pounds provincial currency, such shares to be issued in sums of twenty-five pounds provincial currency each:

Provided always that the said capital sum may if necessary be increased from time to time in the manner provided by those clauses of the Railway Clauses Consolidation Act, which in and by the second section of this Act are expressed to be incorporated with this Act.

10. It shall and may be lawful for the Directors for the time being of the said Company to make, execute and deliver all such scrip and share certificates, and all such bonds, debentures, mortgages or other securities as to the said Directors for the time being shall from time to time seem most expedient for raising the necessary capital for the time being authorized to be raised by the said Company or for raising any part thereof.

11. Every holder of shares in the said Company shall be entitled on every occasion when the votes of the said Fort Erie Railway Company are to be given, to one vote for every share of twenty-five pounds currency which he holds.

12. All bonds, debentures and other securities to be executed by the said Railway Company may be payable to bearer (and in England to bearer in sterling money), and all such bonds, debentures and other securities of the said Company, and all dividends, interest, and warrants thereof respectively, which shall purport to be payable to bearer, shall be assignable at law by delivery, and may be sued on and enforced by the respective bearers and owners thereof for the time being, in their own names.

13. Calls may be made by the Directors of the said Company for the time being provided that no call to be made upon the subscribers for stock in the said Railway Company shall exceed the sum of ten pounds per centum upon the amount subscribed for by the shareholders in the said Company: Provided also, that upon the occasion of any person or corporation becoming a subscriber for stock in the said Company, it shall and may be lawful for the Provisional or other Directors of the said Company for the time being, to demand and receive and for the use of the said Company, the sum of ten pounds per centum upon the amount so by such person or corporation respectively subscribed, and the amount of such calls as shall have already been made payable in respect of the stock then already subscribed at the time of such person or corporation respectively subscribing for stock.

14. And whereas it may be necessary for the said Company to possess gravel pits and lands containing deposits of gravel as well as lands for stations and other purposes, at convenient places along their line of Railway, for constructing and keeping in repair, and for carrying on the business of the said Railway, and as such gravel pits or deposits cannot at all times be procured without buying the whole lot of land wherever such deposits may be found: It is therefore enacted, that it shall be lawful for the said Company, and they are hereby authorized from time to time to purchase, have, hold, take, receive, use and enjoy along the line of the said Railway or separated therefrom, and if separated therefrom, then with the necessary right of way thereto, any lands, tenements and hereditaments which it shall please Her Majesty or any person or persons or bodies politic to give, grant, sell or convey unto and to the use of or in trust for the said Company, their successors and assigns, and it shall and may be lawful for the said Company to establish stations or workshops on any such lots or blocks of land, and from time to time by deed of bargain and sale or otherwise to grant, bargain, sell or convey any portion of such lands not necessary to be retained for gravel pits, sidings, branches, wood yards, station ground or workshops, or for effectually repairing, maintaining and using to the greatest advantage the said Railway and other works connected therewith.
15. The said Railway shall be commenced within three years and completed within seven years after the passing of this Act.

16. The said Company hereby incorporated, and their servants and agents, shall have full power under and by virtue of this Act to purchase and hold such river frontage as may be required for their Railway on the Niagara River, and to build wharves or docks thereon, also to construct, build or purchase and hold such steam or other ferry boats as they may require to enable them to convey passengers and freight across the said Niagara River to such point or points on the American shore or the said river Niagara as may be requisite for the purposes of the said Railway, and as may be necessary to enable them to connect with the various Railways running through the State of New York, and they shall have power to dispose of the same if so inclined, or to charter any other steam or other vessel not being their own property to perform this service.

17. The said Company are hereby empowered to unite with any other Railway Company whose Railway intersects that of the said Company or touches a place which their Railway also touches, and to such union the provisions of the Acts passed in the sixteenth year of Her Majesty's reign, and chaptered respectively thirty-nine and seventy-six, shall extend and apply.

18. The number of Directors which shall form a quorum for the transaction of business may be regulated by the By-laws of the Company; and until such By-law shall be passed, a majority of the Directors shall form such quorum: Provided that the Directors may employ one of their number as a paid Director.

19. The Board of Directors of the said Company may appoint an agent or agents in the City of London, in England, with power to open and keep books of transfer for the shares of the said Company, and for the issue of scrip and stock certificates; and upon the establishment of such agency, shares may be transferred from the Canada office to the London office in the names of the transferors, in the same manner as shares may be transferred in the former office, and vice versa: and shares hereinafter taken and subscribed for in Great Britain may be entered upon the books of the London office, and scrip certificates be issued for them, and the same shall be as binding on the Company as to all the rights of shareholders as though the scrip certificates had been issued by the Secretary of the Company in Canada.

20. The Interpretation Act shall apply to this Act, and this Act shall be deemed a Public Act.

SCHEDULE

Know all men by these presents that I (insert the name of the wife also, if she is to release her dower or for any other reason to join in the conveyance) do hereby in consideration of paid to me (or as the case may be) by the Fort Erie Railway Company, the receipt whereof is hereby acknowledged, grant, bargain, sell, convey and confirm unto the said Fort Erie Railway Company, their successors and assigns for ever, all that certain part or parcel of land situate, lying and being (describe the land) 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 land and premises together with everything appertaining thereto, to the said Fort Erie Railway Company, their successors and assigns for ever (if there be dower to be released, add) and I (name the wife) hereby release my dower in the premises.

Witness my hand (or our hands) and seal (or seals) this day of

one thousand eight hundred and

(Asent) A.B.

(Asent) C.D.

Signed, sealed and delivered in the presence of O.K.

25 VICTORIA, CAP. XXXII.

An Act to enable the Town of Niagara to dispose of its interests, in the Erie and Ontario Railroad, and for other purposes.

[Asent to 9th June, 1862.]
fore, Her Majesty, by and with the advice and consent of the
Legislative Council and Assembly of Canada, enacts as follows:

1. The Corporation of the Town of Niagara shall be, and is
hereby empowered, with the approval of the Governor in
Council, to sell and convey all the right, title, franchises,
privileges and interests, both at law and in equity, conveyed or
vested, or intended to be conveyed or vested, to or in the said
Town of Niagara, under the said mortgages, to any person or
persons, body politic or corporate, and either at public or pri-
vate sale, and by any form of instrument under the corporate
seal of the said Town, which shall clearly express the convey-
ance.

If there be a surplus of purchase money.

2. In case there should be a surplus of the purchase money
over and above the amount due upon the mortgages held by
the said Town of Niagara against the said Railroad Company,
the same shall be applied to the payment of other creditors of
the Company according to their respective priorities.

What rights only shall be vested in the Corporation or in the purchaser.

3. Nothing herein contained shall confer upon the Corpora-
tion of the Town of Niagara or on the said purchaser or pur-
casers any other or greater right, title or property in the
wharves and works at Niagara than is now held by the said
Corporation of the Town of Niagara or by the said Erie and
Ontario Railroad Company, or confer or permit any rights on
any portions of the Great Western Railway, nor shall affect any
unpaid claims against the Erie and Ontario Railroad Company.

Claims for right of way not to be affected.

In respect of rights of way, whether for temporary or perma-
nent occupation; which said last mentioned claims shall be a
charge upon the said rights and property hereby authorized to
be sold.

Public Acts.

4. This Act shall be deemed a Public Act.

"THE ERIE AND NIAGARA RAILWAY
COMPANY ACT OF 1863."

27 VICTORIA CAP. LIX.

An Act to amend the Act incorporating the Fort
Erie Railway Company, and to change the name of the
said Company to the Erie and Niagara Railway
Company.

[Ascent to 15th October, 1863.]

Preamble.

WHEREAS an Act was passed in the twentieth year of
Her Majesty’s Reign intituled: “An Act to incorporate
the Fort Erie Railway Company, with power to construct
the line of Railway from Fort Erie to Chippewa,” and whereas Wil-
liam A. Thomson, a Provisional Director of the said
Company and the Corporation of the Town of Niagara have by their
Petitions represented that it is desirable, in order to afford in-
creased facilities to the carrying trade of the western section of
the Province, that the said Company should be empowered to
transport grain and other freight and passengers from Lake
Erie to Lake Ontario, and for that purpose to purchase or lease
the Erie and Ontario Railway now constructed from Chippewa
to Niagara, with all the rights and powers thereto belonging,—
and it is expedient to grant the prayer of the said Petitions:
Therefore, Her Majesty, by and with the advice and consent of
the Legislative Council and Assembly of Canada, enacts as follows:

1. The name of the said Company shall be changed, and from
and after the passing of this Act it shall be called The Erie
and Niagara Railway Company, and in citing this Act it shall
be sufficient to use the expression “The Erie and Niagara Rail-
way Company Act of 1863;” and the expression “the Company”
hereinafter used, shall denote the Erie and Niagara Railway
Company.

2. The capital of the Company shall be two millions of
capital stock dollars, and shall be divided into twenty thousand shares of
one hundred dollars each, and such shares shall be deemed per-
sonal property, and may, after the first installment due shall
have been paid, be transferred by the respective persons, bodies
Transfer of corporate or politic, holding the same, to any person or person,
shares, and such transfer or transfers shall be entered and registered in
a book or books to be kept for that purpose by the said Com-
pany: and such stock as has heretofore been subscribed to the
Fort Erie Railway Company, and ten per cent actually and
bona fide paid thereupon, shall, at the option of the party
selling, and by the name of the Erie and Niagara Railway
Company, shall be capable of contracting and being contracted with,
the Company according to their respective priorities.

3. For the purpose of organizing the new Company formed
by this Act, William A. Bird, William A. Thomson, James
Cummings, Isaac Buchanan, Adam Crooks, Alexander McAn-
drew, Samuel Wann, Thomas W. Kennard, Nelson Forsyth,
John Douglas, Richard Graham, Arthur Johnston and Archi-
bald A. Gordon, shall be the Directors of the said Company, and
they and their successors shall and may have continued succes-
sion, and by the name of the Erie and Niagara Railway Com-
pany, shall be capable of contracting and being contracted with,
of suing and being sued, of pleading and being impleaded,
answering
The persons above named shall, until the next election of Directors of the Company as hereinafter provided for, be the Directors of the Company incorporated under this Act, and until such election takes place, shall, have exercise and enjoy all the powers and rights they could or would enjoy if elected under this Act, and shall have all the powers by this Act conferred on the directors so to be elected; and the Directors herein named shall have persons to hold their respective offices until the first election of Directors hereinafter mentioned; Provided always, and it is hereby enacted, that the first election of Directors to be held under the passing of this Act, shall take place so soon as one thousand shares of the capital stock of the said Company shall have been subscribed and the first instalment of ten per cent. actually paid thereon, and that from and after such first election, the above named directors of the said Company shall be immediately superseded, and their powers and authority cease and determine, and the same shall thenceforth be exercised only by the Directors elected under and after the passing of this Act: but such election shall not take place until the said provisional Directors, or a majority of them, shall call a meeting of the shareholders, at such time and place as they may think proper, giving at least two weeks' notice in one newspaper published in the County of Wolland and one newspaper published in the County of Lincoln.

The said Company are hereby authorized to construct, work and operate a Railway with a single or double track, commencing on the Niagara River, within the Village of Fort Erie, at some point at or above the wharf of Samuel Couthard, but not further south than Queen Street, thence to the Village of Chippawa and thence, upon the acquisition by this Company—of the Erie and Ontario Railway, as hereinafter authorized, to the Town of Niagara.

From and after the first election of Directors which shall take place next after the passing of this Act, the property, affairs and concerns of the Company shall be managed by seven Directors to be chosen by the shareholders on the first Tuesday of June in each year, in the manner hereinafter provided, and notice of such annual election and of the time and place of holding the same shall be published two weeks before the day of election, in one newspaper published in the County of Wolland, and one newspaper published in the County of Lincoln; and all elections for Directors shall be by ballot, and the persons holding one thousand dollars of stock in this Company, and who shall have the greatest number of votes at any election, shall be Directors; and if it shall happen that two or more shall have an equal number of votes, the shareholders shall determine the election by another or other ballots until a choice is made; and if a vacancy shall at any time take place among the Directors by death, resignation or otherwise, either of those named in this Act, or of those hereafter elected, such vacancy shall be filled for the remainder of the term by a vote of the majority of the Directors; Provided always, that in case it should happen that an election of Directors shall not be made on any day when pursuant to this Act it ought to have been made, the said Company shall not for that cause be deemed to be dissolved, but it shall and may be lawful on any day thereafter to hold and make an election of Directors, in such manner as shall have been regulated by the By-laws and regulations of the said Company.

Aliens as well as British subjects, and whether resident in this Province or elsewhere, may be shareholders in the said Company, and all such shareholders shall be entitled to vote on their shares equally with British subjects, and shall be also eligible to office as Directors in the said Company; but no sharehold shareholder shall be entitled, in person or by proxy, to vote at any election of Directors, or at any general or special meeting of the shareholders of the said Company, who shall not have paid the aforesaid deposit of ten per centum, and all calls due upon his stock, at the time of such election or meetings.

The Directors shall make annual or semi-annual Dividends. Dic
a statement of the tonnage of goods, freight and number of passengers that have been conveyed over the said road.

**Quorum of Directors.**

9. The number of Directors necessary to form a quorum for the transaction of business may be regulated by the By-laws of the Company, and until such By-laws shall be passed, a majority of the whole number of Directors shall form a quorum.

**Qualification of Directors.**

10. No shareholder shall be eligible to be elected a Director under this Act unless he shall be a bona fide stockholder in the said Company to the amount of at least one thousand dollars and shall have paid up all calls on such stock.

**One vote for each share.**

11. Each shareholder in his own right shall be entitled to a number of votes equal to the number of shares which he shall have in his own name, two weeks prior to the time of voting.

**Conveyances to the Company.**

12. 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 marked "A," to this Act annexed, and all Registrars are hereby authorized to enter in their register such deeds on the production and proof of execution thereof, without any memorial, and to minute such entry in the said deed, and the said Company are to pay the said Registrar for so doing the sum of two shillings and six pence for each deed registered, and no more.

**Agents in London and New York.**

13. The Directors of the Company may, subject to the rules and regulations from time to time of the Board, appoint an Agent in the City of London, England, and also an Agent in the City of New York, in the State of New York, with power to pay dividends, to open and keep books of transfer for the shares of the Company, and for the issue of scrip and stock certificates, and thereupon shares may be transferred from the Canada office to the London or New York offices in the names of the transferees in the same manner as shares may be transferred in the former office, and vice versa; and shares originally taken and subscribed for in Great Britain, and shares originally taken and subscribed for in the United States, may be respectively entered upon the books at the London or at the New York office, and scrip certificates be issued for them, and the Agent or Agents or other officer or officers shall transmit an accurate list of all such transfers and scrip certificates so issued to the Secretary or other officer of the Company in this Province, who shall thereupon make the requisite entries respecting such transfer and scrip certificates in the register kept in this Province; and thereupon the same shall be binding on the Company as to all the rights and privileges of Shareholders, as though the scrip certificates had been issued by the Secretary of the Company in this Province.

14. Whenever any transfer shall be made in England or the United States, of any share of stock of the Company, the delivery of the transfer duly executed to the Agent or Agents of the Company for the time being in London or New York aforesaid, shall be sufficient to constitute the transfer of a shareholder or stockholder in the Company in respect of the share of stock so transferred, and such Agent or Agents shall transmit an accurate list of all such transfers to the Secretary of the Company in this Province, who shall thereupon make the requisite entries in the register; and the Directors may, from time to time, make such regulations as they shall think fit for facilitating the transfer and registration of shares of stock, as well in this Province as elsewhere, as to the closing of the register of transfers for the purpose of dividends as they may find expedient; and all such regulations not being inconsistent with the provisions of this Act, and of the Railway Clauses Consolidation Act, as altered or modified by this Act, shall be valid and binding.

15. Whenever it shall be deemed expedient by the Board of Directors that a special general meeting of the shareholders shall be convened, either for the purpose of increasing the capital or increasing or reducing the number of Directors, or for any other purpose, the Directors may convene such meeting by advertisement and circular, in manner hereinafter mentioned, in which advertisement and circular, the business to be transacted at such meeting shall be expressly stated, and such meeting may be held at the Company's chief office in Canada, or such other place in this Province as the Directors shall appoint.

16. The notice of special general meetings of the Company shall be given as in this Act prescribed as necessary for convening ordinary general meetings of the Company, and also, if so ordered by the Directors calling the same, in one or more of the daily morning newspapers published in London and New York, and a copy of such notice shall also be addressed by post to each shareholder at his last known or usual address, not less than forty days before the holding of such meeting.

17. 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 respect to "interpretation," "incorporation," "powers," "plans and survey," "lands and their valuation," "highways and bridges," "fences," "tolls," "general meetings," "Directors," their
Railway is constructed, for the purpose of repairing and maintaining the said Railway.

20. The Company may unite or make traffic arrangements with any other Railway Company or Companies, or with the International and any other Bridge Company, or may lease this Railway to any other Company with the necessary conveniences for the purposes of such union, occupation, or traffic arrangements; and the Board of Directors of such Railways and the International and other Bridge Company, may agree upon such union, lease or traffic arrangements, and grant facilities for the same.

21. Whereas the Corporation of the Town of Niagara, pursuant to the powers and provisions contained in the Act twenty-fifth Victoria, Chapter thirty-two, intituled: An Act to enable the Town of Niagara to dispose of its interests in the Erie and Ontario Railroad and for other purposes, by an Indenture dated the tenth day of August, one thousand eight hundred and sixty-three, did grant and convey to William A. Thomson, of the Village of Fort Erie, in the County of Welland, the Erie and Ontario Railroad, together with all and singular the houses, buildings, stations, station ground, rights, ways, franchises, privileges, and appurtenances, of any kind or nature whatsoever to the said Erie and Ontario Railroad Company, to acquire by purchase from the said William A. Thomson, or his assigns, the Erie and Ontario Railroad aforesaid, with all the singular its houses, buildings, stations, station ground, rights, ways, franchises and appurtenances, and when so acquired, the same shall be incorporated with the said Erie and Niagara Railway Company, and thereupon the said Erie and Ontario Railroad Company, shall vest in and become part of the said Erie and Niagara Railway Company, and that freed and discharged from any equity or right of redemption of the said Erie and Ontario Railway Company or otherwise whatsoever, but each purchase shall be subject to the same provisions and agreements in favour of the Corporation of the Town of Niagara, which are set forth and contained in the hereinbefore mentioned Indenture of the tenth day of August, one thousand eight hundred and sixty-three, and also subject to the following conditions, that is to say, that nothing herein contained shall confer or permit any rights on any portion of the Great Western Railway, nor shall affect any claims legally valid against the Erie and Ontario Railroad Company in respect of rights of way, whether for temporary or permanent occupation, which right
rights shall be a charge upon the Erie and Niagara Railway; nor shall such purchase confer upon the Erie and Niagara Railway Company, or upon any other purchaser or purchasers, any other or greater rights, title or property in the present wharfs or works at Niagara than is now held by the said William A. Thomson, under the sale by the said Corporation of Niagara, or by the said Erie and Ontario Railroad Company; and it is hereby declared that the deeds of conveyance from the Corporation of the Town of Niagara to the said William A. Thomson, and from the said William A. Thomson or his assigns, to the Erie and Niagara Railway Company, may be registered in the Registry Offices of the Counties of Lincoln and Welland, respectively, by the filing of two copies thereof respectively, and the respective Registrars are required to record said deeds respectively, and the production of such deeds or of such registered copies respectively, shall be sufficient evidence without further proof that the Erie and Ontario Railroad hath become vested in and incorporated with the Erie and Niagara Railway Company.

22. The Company shall have full power under this Act to purchase and hold a river frontage, and sufficient depth of land therefrom in the Town of Niagara, for the erection of grain warehouses, docks, station buildings, workshops and offices; also land at the Welland River for a station and grain elevator; also lands and river front on the Niagara River, at Fort Erie, within the limits of said Village, for docks, elevators, station grounds, and station buildings.

23. The Company shall have full power under this Act to purchase and hold as part of the property of the said Company as many propellers and sail vessels as may be required from time to time to carry the grain and other property arriving at Niagara and brought over the whole or part of the said Railway to its Canadian or American destination; also one or more steam boats for passengers and freight between Niagara and Toronto and other ports; also a ferry boat on the Niagara River, at Fort Erie, and a steam tug for the towing of vessels to and from the docks of the Company at Fort Erie, and at Niagara, on Lake Ontario; and all such property shall be united with the Railway, as the general property of the Company; and it shall be lawful for the said Company to construct and maintain, as part of the Erie and Niagara Railway Company’s property, and out of the capital stock of said Company, elevators and dockage at Kingston and Oswego, on Lake Ontario, for the receiving and delivery of the grain shipped at Niagara by said Company.

24. The Company shall have full power under this Act, when possessed of authority under the laws of the State of New York, 1863. York, to construct and maintain out of the capital stock of the said Company, a continuation of said Railway within the said State of New York, said continuation to commence as nearly opposite as may be advantageous to the termination of the Railway on this side of the Niagara River, at Fort Erie, passing thence along the outskirts of the City of Buffalo, until it reaches the general depot of the American Railways on Exchange Street in the said City of Buffalo, such extension of Railway being about six miles in length.

25. The Company shall have power to construct and operate a branch of their Railway from some point on their line within the Township of Willoughby to an intersection with the Welland Railway, at or near to Port Robinson, on the Welland Canal.

26. The work performed heretofore by contractors on the line of the Fort Erie Railway, and the expenses of surveying and engineering, together with all money disbursed for the right of way, and in respect to the construction of the Fort Erie Railway, and all other legal liabilities of the Fort Erie Railway Company, shall be paid, assumed and satisfied by the Company hereby incorporated.

27. So much of the original Act of incorporation of the Fort Erie Railway Company as conflicts with this Act is hereby repealed; but such repeal shall not effect anything lawfully done or any right acquired or liability incurred or agreement entered into, under or by virtue of the said Act, before the passing of this Act, or the recourse of any person or party for the enforcement of any such right, liability or agreement.

28. The said Railway shall be completed within two years from and after the passing of this Act.

29. The said Erie and Niagara Railway Company shall be Extra track and is hereby empowered to lay down a six-foot gauge track besides the usual five feet six inches track of this Province, and the “Erie” and the “Atlantic and Great Western” Railways of the United States are hereby empowered subject to the assent of the Erie and Niagara Railway Company, and under such stipulations as may be agreed upon between the said respective Companies, to run their trains over said Erie and Niagara Railway, with coal, general freight and passengers to and from the Town of Niagara and intermediate stations.

30. This shall be deemed a Public Act.

SCHEDULE
SCHEDULE A.

Know all men by these presents that I, A.B., of Erie and Niagara Railway Company, the receipt whereof I do hereby acknowledge, grant, bargain, sell, convey and confirm unto the said Erie and Niagara Railway Company, their successors and assigns for ever, all that certain tract or parcel of land, situate &c., (here describe the land) the same having been selected by the said Company for the purpose of their Road, (Harbor, Wharf or Pier, as the case may be) To have and to hold the said land and premises, together with the hereditaments and appurtenances thereto belonging, or to the said Erie and Niagara Railway Company, their successors and assigns or ever.

Witness my hand and seal this day of A.D. 18

Signed, sealed and delivered in the presence of C.D.

A.B. (L.S.)

36 VICTORIA, CAP. LXXXVI.

An Act to amend the Erie and Niagara Railway Company Act of 1863.

[Assented to 23rd May, 1873.]

WHEREAS the Erie and Niagara Railway Company have petitioned for power to construct one or more branches from their line of railway to the Niagara River, and otherwise to extend their corporate powers, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. The said company shall have power to construct and open one or more branch lines of railway in the Counties of Lincoln and Welland to the Niagara River to connect with the intended railway bridge at Queenston, and with the Canada Southern Railway at some point in the Township of Bertie, and "The Erie and Niagara Railway Company Act, 1863," shall be taken, held and construed to apply to any such branch lines as fully and effectually as if the said branch lines had been originally authorized to be constructed and operated in and by the said last mentioned Act.

2. The gauge of the said railway may be such as the directors in their discretion may determine upon.

3. The Erie and Niagara Railway Company may extend to any railways which may have a terminus in the State of New York on the Niagara River, the same privileges which are authorized to be conferred on the railway companies mentioned in the twenty-ninth section of "The Erie and Niagara Railway Company Act, 1863," subject to the provisions in the said section contained.

4. The company are authorized to acquire by purchase or lease land and premises in the Village of Lewiston, in the State of New York and in the City of Toronto for the erection of docks, elevators, warehouses, stations, buildings and offices, and to sell and convey the same when no longer required for the purposes of the company.

35 VICTORIA, CAP. XCI.

An Act to incorporate the Detroit River Railway Bridge Company.

[Assented to 14th June, 1872.]

WHEREAS the Canada Southern Railway Company, and the persons hereinafter named, Directors of the said Company, have petitioned for power to build a railway bridge across the Detroit River, at some point near the Town of Amherstburgh, in the County of Essex, and for the incorporation of a company for that purpose; and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. The Detroit River Bridge is hereby declared to be a work Declaratory, for the general advantage of Canada.

2. Milton Courtright, of the City of Erie, in the State of Pennsylvania; John F. Tracy, of the City of Chicago, State of Illinois; Sidney Dillon, of the City of New York; William A. Thomson, of Queenston, in the Province of Ontario; Oliver S. Chapman, of the City of Canton, in the State of Massachusetts; Daniel Drew, of the City of New York; William L. Scott, of the City of Erie; John Ross, of the City of New York; and Benjamin F. Ham, of the said City of New York, together with
with such persons and corporations as shall, under the provisions of this Act, become shareholders in the company hereby incorporated, are hereby constituted and declared to be a body corporate and politic by the name of "The Detroit River Railway Bridge Company;" and the said company shall have full power and authority to purchase, acquire, take and hold such lands, lands covered with water, beaches and other property, as may be necessary for the purpose of constructing the said bridge, or for the convenient using of the same, and also for the construction of such branch railway, not exceeding three miles in length, as may be necessary to approach the said bridge.

3. "The Railway Act, 1868," is hereby incorporated with this Act, and shall form part thereof, and be construed with as forming one Act.

4. The company hereby incorporated shall have full power under this Act to construct, maintain, work and manage a railway bridge across the Detroit River for railway purposes, from some point at or near the Town of Amherstburgh, in the County of Essex, towards the Island of Grosse Isle, in the State of Michigan, in the United States of America.

5. The company are hereby authorized to work trains by steam or horse power for local passengers and freight traffic between the State of Michigan and the County of Essex, over the bridge hereby authorized to be constructed, and to connect the said train with other railways; and, by rails or otherwise, to work the said trains into the Town of Amherstburgh and within its corporate limits.

6. The persons named in the second section are constituted the board of provisional directors of the said company, and shall hold office as such until the first election of directors, under this Act; and shall have power and authority immediately after the passing of this Act, to open stock books and procure subscriptions of stock for the undertaking, giving at least four weeks' previous notice by advertisement in the "Canada Gazette" of the time and place of their meeting to receive subscriptions of stock; and the said provisional directors may cause surveys and plans to be made and executed, and may acquire any plans and surveys now existing, and it shall be their duty, as hereinafter provided, to call a general meeting of shareholders for the election of directors.

7. No subscription of stock in the capital of the said company shall be legal or valid, unless ten per centum shall have been actually and bona fide paid thereon, within five days after subscription, into one or more of the chartered banks of Canada, to be designated by the said directors; and such ten per centum shall not be withdrawn from such bank, or otherwise applied, except for the purposes of such railway bridge, or upon the dissolution of the company from any cause whatever; and, if more than the whole stock shall have been subscribed, the said provisional directors shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking; and, in such allocation, the said directors may, in their discretion, exclude any one or more of the said subscribers, if, in their judgment, their so doing will best secure the building of the said railway bridge.

8. All shareholders in the said company, whether British subjects or aliens, or residents in Canada or elsewhere, shall have equal rights to hold stock in the said company, and to vote on the same, and to be eligible to office in the said company.

9. The capital stock of the said company shall be five hundred thousand dollars, divided into five thousand shares of one hundred dollars each, with power to increase the same to one million of dollars.

10. So soon as two hundred thousand dollars of the said capital stock shall have been subscribed as aforesaid, and ten per centum bona fide paid thereon, and deposited in one or more of the chartered banks of Canada for the purposes of the company, the hereinafter mentioned directors, or a majority of them, shall call a meeting of the shareholders of the said company at such time and place as they may think proper, giving at least two weeks' notice in the Canada and Ontario Gazettes, at which meeting the shareholders shall elect nine directors from the shareholders possessing the qualifications hereinafter mentioned, which directors shall hold office until the next annual meeting of the shareholders as hereinafter provided.

11. The annual general meeting of the shareholders for the election of directors and other general purposes, shall be held at Amherstburgh or elsewhere, as may be appointed by by-law, on the first Wednesday in the month of June in each year; and two weeks' previous notice thereof shall be given by publication as provided in the last preceding section.

12. No person shall be elected a director of the said company unless he shall be the holder and owner of at least forty shares of stock in the stock of the said company, and shall have paid up all calls made thereon.
33. No call to be made at any time upon the said capital stock shall exceed ten per centum on the subscribed capital; and no stockholder shall be liable for the debts or obligations of the company beyond the amount unpaid on any stock held by him.

14. It shall be lawful for the directors of the said company, after the sanction of the shareholders shall have been first obtained at any special general meeting to be called from time to time for such purpose, to borrow money to an amount not exceeding six hundred thousand dollars upon the corporate bonds of the said company, secured by a mortgage or mortgages upon all or any part of the property of the company, real and personal, and then existing, or at any time thereafter acquired, and upon all the rights, revenues and franchises of the company; and such bonds may be for any term of years not exceeding thirty, and may bear interest at the rate of seven per centum per annum, and may be sold or disposed of by the directors at their marketable value.

15. The company shall have power to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars; and any such promissory note made and endorsed, and any such bill of exchange drawn, accepted or endorsed by the president or vice-president of the company, and countersigned by the secretary and treasurer, and under the authority of a majority of a quorum of the directors, shall be binding on the company; and every such promissory note or bill of exchange made, drawn, accepted or endorsed by the president or vice-president of the said company, and countersigned by the secretary and treasurer, as such, 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 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 secretary and treasurer of the company, so making, drawing, accepting or endorsing any such promissory note or bill of exchange, be thereby subjected individually to any liability whatever: Provided always that nothing in this section 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 note of a bank.

16. The said company shall not commence the said bridge, or any work thereunto appertaining, until the company shall have submitted to the Governor in Council plans of such bridge, and of all the intended works thereunto appertaining, nor until such plans and the site of such bridge shall have been approved by the Governor in Council, and such conditions as he shall have thought fit for the public good to impose, touching the said bridge and works shall have been complied with; nor shall any such plan be altered, nor any deviation therefrom allowed, except by the permission of the Governor in Council, and upon such conditions as he shall impose: Provided always that the said bridge shall be constructed so as not materially to obstruct the navigation of the Detroit River; and the said bridge shall have two draws in the main channel of the river, which said draws shall each be off the width of one hundred and sixty feet, and shall otherwise give free and unobstructed passage to vessels of every description navigating the said river; and the said draws shall at all times during the season of navigation be kept open, except when actually required to be closed for the passage of railway trains, and shall otherwise be tended and moved at the expense of the said company, so as not to hinder unnecessarily the passage of any vessel. From sundown until sunrise, during the season of navigation, suitable lights shall be maintained upon the said bridge to guide vessels approaching the said draws; and for assisting the passage of any vessel through the said draws, the said company shall at all times keep in readiness a steam tug, suitable for towing the said vessels through the said draws, and shall tow all the said vessels through the said draws respectively, whenever requested so to do by the officers of such vessels, without charge, and the said company shall be liable to pay the owners of any vessel or of the cargoes or freight thereof, all damages they may respectively sustain by reason of any neglect of any of the foregoing provisions; and the use of the said bridge shall be subject to such regulations as shall be from time to time approved of by the Governor in Council.

17. It shall be the duty of the said company during the night time during the season of navigation a good and sufficient light at each end of any cañon dam or pier which may be erected by the said company—the said light to be placed at least five feet above the said dam or pier, and also such buoys Buoy, during both day and night as may be necessary for the guidance of persons navigating the said river; Provided always that before commencing the works of the said bridge, or taking possession of any part of the beach or land covered with water or other property of the Crown, the company shall obtain the consent of the Governor in Council, who may impose such terms and conditions as he shall think proper before granting permission to commence the works or take possession of any property of the Crown as aforesaid, provided the navigation of such river shall not be unnecessarily obstructed by such work.

18. Whenever it shall become necessary, for the purpose of procuring sufficient lands for stations or gravel pits, or other purposes,
purposes, for constructing, maintaining and using the said bridge, to purchase more land than is required for such stations or gravel pits, or other purposes, the said company may purchase, hold, use or enjoy such lands, and also the right of way thereto, if the same be separated from their bridge, in such manner, and for such purposes connected with the constructing, maintenance or use of the said bridge, as they may deem expedient, and shall sell and convey the same, or part thereof, not permanently required for the use of the bridge.

19. It shall be lawful for the said company to enter into any agreement with any railway or railroad company or companies in the Dominion of Canada, or in the United States of America, for leasing the said bridge, or the use thereof, at any time or times, or for any period, to such railway or railroad company or companies; or for leasing or hiring from such company or companies any railway, or railroad, or part thereof, or the use thereof; or for the leasing or hiring any locomotives, tenders or moveable property; and generally to make any agreement or agreements with any such company or such company or companies, touching the use by one or the other or others of the bridge, or railway or railways, or railroad or railroads, or moveable property of either or any of them, or any part thereof, or touching any service to be rendered by the one company to the other or others, and the compensation therefor; and any such railway or railroad company or companies may agree for the loan of its credit to, or may subscribe to and become the owner of the stock of the company hereby created, in like manner, and with like rights as individuals; and any such agreement shall be valid and binding, and shall be enforced by courts of law, according to the terms and tenor thereof; and any company accepting and executing such lease shall be and is empowered to exercise all the rights and privileges in this charter conferred.

20. When the said railway bridge is completed and ready for traffic, all trains of all railways or railroads terminating at or near the Town of Amherstburgh aforesaid, or in the State of Michigan, at or near some point opposite the said Town of Amherstburgh, now constructed, or hereafter to be constructed (including the cars of any other railway company which may be brought over such railway), shall have the right to pass over the said bridge, at corresponding tariff rates, for the persons and property transported, so that no discrimination in tariff rates for such transportation shall be made in favour of or against any railway or railroad, whose trains or business pass over the said bridge.

21. In case of any disagreement, and as often as the same may arise, as to the rights of any railroad or railway whose trains or business shall pass over the said work hereby authorized to be constructed, or the tariff rates to be charged in respect thereof, the same shall be determined by arbitrators, one to be appointed by the company hereby incorporated, and another by the company with whom the disagreement shall have arisen, and a third (who shall be some person experienced in railway affairs) by one of the superior courts of the Province of Ontario, upon application to such court, due notice thereof having been given to the parties interested; and the award of the said arbitrators, or the majority of them shall be final:

Provided that the terms of the said award shall not be binding for a longer term than five years.

22. It shall be lawful for the said company to unite, amalgamate and consolidate its stock, property and franchises, with the stock, property and franchises of "The Detroit River Railroad and Bridge Company," or any other company incorporated, or which may be incorporated, by the laws of the State of Michigan, one of the United States of America, for a similar purpose with the company hereby incorporated, and to enter into all contracts and agreements therewith necessary to such union and amalgamation, and which said company shall be, by the laws of the State of Michigan, authorized to enter into such amalgamation or consolidation.

23. The directors of the company hereby incorporated, and of any corporation proposing to so amalgamate or consolidate as aforesaid, may enter into a joint agreement in duplicate, under the corporate seals of each of the said corporations, for the amalgamation and consolidation of the said corporations,—prescribing the terms and conditions thereof, the mode of carrying the same into effect; the name of the new corporation; the number and names of the directors and other officers thereof, and who shall be the first directors and officers thereof, and their places of residence; the number of shares of the capital stock, the amount or par value of each share, and the manner of converting the capital stock of each of the said corporations into that of the new corporation; and how, and when, and for how long, directors and other officers of such new corporation shall be elected, and when elections shall be held,—with such other details as they shall deem necessary to perfect such new organization and the consolidation and amalgamation of the said corporations, and the after-management and working thereof; and such new corporation shall have power to consolidate or unite with either or any of the lines of railway having powers of consolidation or union, connecting with the said bridge, by the same means and to the same ends as the same may be consolidated by this Act.
24. Such agreement shall be submitted to the stockholders of each of the said corporations, at a meeting thereof, to be held separately, for the purpose of taking the same into consideration. Notice of the time and place of such meetings and the object thereof, shall be given by written or printed notices addressed to each of the persons in whose names, at the time of giving such notice, the capital stock of such corporations shall stand on the books of such corporations, and delivered to such persons respectively, or addressed to them by mail, at their last known post-office address or place of residence; and also by a general notice to be published in a newspaper published in the County of Essex and in the City of Detroit, once a week for two successive weeks. At such meetings of stockholders, such agreement shall be considered, and a vote by ballot taken for the adoption or rejection of the same,—each share entitling the holder thereof to one vote, and the said ballots to be cast in person or by proxy; and if two-thirds of the votes of all the stockholders of each of such corporations shall be for the adoption of such agreement, then that fact shall be certified upon each of the said duplicates by the secretary of each of such corporations under the corporate seals thereof; and if the said agreement shall be so adopted at the respective meetings of the stockholders of each of the said corporations, one of the duplicates of the agreement so adopted, and of the said certificates thereon shall be filed in the office of the Secretary of State of the Dominion of Canada, and the other in the office of the Secretary of State of the State of Michigan; and the said agreement shall from thence be taken and deemed to be the agreement and act of consolidation and amalgamation of the Company and of such other corporation; and a copy of such agreement so filed, and of the certificates thereon, properly certified, shall be evidence of the existence of such new corporation.

25. Upon the making and perfecting of the said agreement and act of consolidation as provided in the next preceding section and the filing of the said agreement as in the said section provided, the several corporations, parties thereto, shall be deemed and taken to be consolidated, and to form one corporation by the name in the said agreement provided, with a common seal; and shall possess all the rights, powers, privileges and franchises and be subject to all the disabilities and duties of each of such corporations so consolidated and united except as herein provided.

26. Upon the consummation of such act of consolidation as aforesaid, all and singular the property, real, personal and mixed, and all rights and interests appurtenant thereto, all stock, subscriptions and other debts due on whatever account, and other things in action belonging to such corporations, or either of them, shall be taken and deemed to be transferred to and vested in such new corporation without further Act or deed: Provided, however, that all rights of creditors, and all liens upon the property of either of such corporations shall be unimpaired by such consolidation, and all debts, liabilities and duties of either of the said corporations shall thenceforth attach to the new corporation, and be enforced against it to the same extent as if the said debts, liabilities and duties had been incurred or contracted by it; and provided also that no action or proceeding, legal or equitable, by or against the said corporations so consolidated, or either of them, shall abate or be affected by such consolidation; but for all the purposes of such action or proceeding such corporation may be deemed still to exist, or the new corporation may be substituted in such action or proceeding in the place thereof.

27. The said new corporation shall have power, from time to time to borrow such sums of money as may be necessary for constructing and completing the work hereby authorised and for the acquiring of the necessary real estate for the site thereof and approaches thereto, and so mortgage its corporate property and franchises to secure the payment thereof; but the principal of the mortgage debt of such corporation shall not at any time exceed the sum of one million two hundred thousand dollars.

28. At all meetings of the stockholders of the company hereby incorporated, each stockholder shall be entitled to cast one vote for each share of stock held by him, and to vote either in person or by proxy; and the directors of the said company may also, at any meeting of the board, vote by proxy—such proxies to be held by another director: Provided that no more than two proxies be held by one director, of the other directors, and not less than four directors shall be present in person at any meeting of the board of directors for the transaction of business.

29. One hundred thousand dollars shall be paid in within two years, and the works shall be commenced within two years, and completed within six years from the passing of this Act.

30. This Act shall have no force or effect until duly certified copies of any Act passed by the Legislature of the State of Michigan, incorporating any company for objects similar to those contemplated by this Act, and of any Act of Congress of the United States, conferring necessary powers in respect to the same, are filed in the Department of the Secretary of State of Canada; upon which the Governor in Council may, by proclamation, order that from and after a day to be mentioned therein, this Act shall be of full force and effect; and this Act shall accordingly thenceforth have full force and effect.
An Act to incorporate the River St. Clair Railway Bridge and Tunnel Company.

[Assented to 14th June, 1872]

WHEREAS the Canada Southern Railway Company and the persons hereinafter named, Directors of the said Company, have petitioned for power to build a Railway bridge across, or a tunnel under the River St. Clair, as may be found most suitable, at some point in the Township of Moore, in the County of Lambton, and for the incorporation of a Company for that purpose, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada enacts as follows:

1. The River St. Clair Railway Bridge and Tunnel is hereby declared to be a work for the general advantage of Canada.

2. Milton Courtright, of the City of Erie in Pennsylvania, John F. Tracy, of the City of Chicago, State of Illinois, Sidney Dillon, of the City of New York, William A. Thomson, of Queenston, in the Province of Canada, Oliver S. Chapman, of the City of Canton, in the State of Massachusetts, Daniel Drew, of the City of New York, William L. Scott, of the City of Erie, John Ross, of the City of New York, and Benjamin F. Ham, of the said City of New York, together with such persons and corporations as shall under the provisions of this Act become shareholders in the Company hereby incorporated, are hereby constituted and declared to be a body corporate and politic by the name of "The River St. Clair Railway bridge and tunnel Company," and the said Company shall have full power and authority to purchase, acquire, take and hold such lands, lands covered with water, beaches and other property as may be necessary for the purpose of constructing the said bridge or tunnel, or for the convenient using of the same, and also for the construction of such branch Railway not exceeding three miles in length, as may be necessary to approach the said bridge or tunnel.

3. "The Railway Act, 1868" is hereby incorporated with this Act, and shall form part hereof and be construed therewith as forming one Act.

4. The Company hereby incorporated shall have full power under this Act to construct, maintain, work and manage a Railway bridge across, or a tunnel under the River St. Clair, as may be found most suitable for railway purposes, from some point in the Township of Moore, in the County of Lambton, towards the City of St. Clair, in the State of Michigan.

5. The Company are hereby authorized to work trains by steam or horse power, for local passengers and freight traffic between the State of Michigan and the County of Lambton, over the bridge or through the tunnel hereby authorized to be constructed, and to connect the said trains with other railways.

6. The persons named in the second section are constituted the Board of Provisional Directors of the said Company, and shall hold office as such until the first election of Directors under this Act; and shall have power and authority, immediately after the passing of this Act, to open stock books and procure subscriptions of stock for the undertaking—giving at least four weeks previous notice by advertisement in the "Canada Gazette," of the time and place of their meeting to receive subscriptions of stock, and the said Provisional Directors may cause surveys and plans to be made and executed, and may acquire any plans and surveys now existing, and it shall be their duty, as hereinafter provided, to call a general meeting of shareholders for the election of Directors.

7. No subscription of stock in the capital of the said Company shall be legal or valid, unless ten per centum shall have been actually and bona fide paid thereon within five days after subscription into one or more of the chartered Banks of Canada to be designated by the said Directors; and such ten per centum shall not be withdrawn from such Bank, or otherwise applied, except for the purposes of such Railway bridge or tunnel, or upon the dissolution of the Company from any cause whatever, and the said Directors or a majority of them may, in their discretion, exclude any persons from subscribing who in their judgment, would hinder, delay or prevent the said Company from proceeding with and completing their undertaking under the provisions of this Act; and if more than the whole stock shall have been subscribed, the said provisional Directors shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking; and in such allocation the said Directors may, in their discretion, exclude any one or more of the said subscribers if, in their judgment, this will best secure the building of the said Railway bridge or tunnel.

8. All shareholders in the said Company whether British subjects or aliens, or residents in Canada or elsewhere, shall have equal rights to hold stock in the said Company and to vote in the same, and to be eligible to office in the said Company.
9. The capital stock of the said Company shall be five hundred thousand dollars, divided into five thousand shares of one hundred dollars each, with power to increase the same to one million of dollars.

First meeting of shareholders and election of officers.

10. So soon as two hundred thousand dollars of the said capital stock shall have been subscribed as aforesaid, and ten per cent, bona fide paid thereon and deposited in one or more of the chartered banks of Canada for the purposes of the Company, the hereinafter mentioned Directors, or a majority of them, shall call a meeting of the shareholders of the said Company at such time and place as they may think proper, giving at least two weeks' notice in the Canada and Ontario Gazettes, at which meeting the shareholders shall elect nine Directors from the shareholders possessing the qualifications hereinafter mentioned: which Directors shall hold office until the next annual meeting of the shareholders as hereinafter provided.

Annual general meeting.

11. The annual general meeting of the shareholders for the election of Directors and other general purposes shall be held at Amherstburgh or elsewhere, as may be appointed by By-law, on the first Wednesday in the month of June in each year; and two weeks' previous notice thereof shall be given, by publication as provided in the last preceding section.

Qualification of Directors.

12. No person shall be elected a Director of the said Company unless he shall be the holder and owner of at least forty shares in the stock of the said Company and shall have paid up all calls made thereon.

Limited liability.

13. No call to be made at any time upon said capital stock shall exceed ten per centum on the subscribed capital; and no stockholder shall be liable for the debts or obligations of the Company beyond the amount unpaid on any stock held by him.

Power to borrow money and mortgage works.

14. It shall be lawful for the Directors of the said Company after the sanction of the shareholders shall have been first obtained at any special general meeting to be called from time to time for such purpose, to borrow money to an amount not exceeding six hundred thousand dollars upon the corporate bonds of the said Company secured by a mortgage or mortgages upon all or any part of the property of the Company, real and personal and then existing or at any time thereafter acquired, and upon all the rights, revenues and franchises of the Company; and such bonds may be for any term of years not exceeding thirty, and may bear interest at the rate of seven per centum per annum, and may be sold or disposed of by the Directors at their marketable value.

15. The Company shall have power to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars; and any such promissory note made or endorsed, and such bill of exchange drawn, accepted or endorsed by the President or Vice-President of the Company and countersigned by the Secretary and Treasurer, and under the authority of a majority of a quorum of the Directors, shall be binding on the Company; and every such promissory note or bill of exchange made, drawn, accepted or endorsed by the President or Vice-President of the said Company and countersigned by the Secretary and Treasurer, as such, 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 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 Secretary and Treasurer of the Company so making, drawing, accepting or endorsing any such promissory note or bill of exchange be thereby subjected individually to any liability whatever; Provided always nothing in this section 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.

16. The said Company shall not commence the said bridge or tunnel, or any work thereunto appertaining, until the Company shall have submitted to the Governor in Council plans of such bridge or tunnel and of all the intended works thereunto appertaining, nor until such plans and the site of such bridge or tunnel shall have been approved by the Governor in Council, and such conditions as he shall have thought fit for the public good to impose touching the said bridge or tunnel and works shall have been complied with; nor shall any such plan be altered nor any deviation therefrom allowed, except by the permission of the Governor in Council, and upon such conditions as he shall impose: Provided always that if a bridge is found more suitable than a tunnel, such bridge shall be constructed so as not materially to obstruct the navigation of the River St. Clair; and the said bridge shall have two draws in the main channel of the river, which said draws shall each be of the width of one hundred and sixty feet, and shall otherwise give free and unobstructed passage to vessels of every description navigating the said river; and the said draws shall at all times be kept open, except when actually required to be closed for the passage of railway trains, and shall otherwise be tended and moved at the expense of the said Company, so as not to hinder unnecessarily the passage of any vessels; from sundown until sunrise during the season of navigation, suitable lights shall be maintained upon the said bridge.
Steam tug.

bridge to guide vessels approaching the said draws; and for assisting the passage of any vessel through the said draws, the said Company shall at all times keep in readiness a steam tug suitable for towing the said vessels through the said draws, and shall tow all the said vessels through the said draws respectively, whenever requested so to do by the officers of such vessels without charge; and the said Company shall be liable to pay the owners of any vessel, or the cargoes or freight thereof, all damages they may respectively sustain by reason of any neglect of any of the foregoing provisions, and the use of the said bridge shall be subject to such regulations as shall be from time to time approved of by the Governor in Council.

17. It shall be the duty of the said Company, during the construction of such bridge to put up and maintain, in the night time during the season of navigation, a good and sufficient light at each end of any coffer-dam or pier, which may be erected by the said Company (the said light to be placed at least five feet above the said dam or pier) and also such buoys during both day and night, as may be necessary for the guidance of persons navigating the said river; Provided always that before commencing the works of the said bridge or tunnel, or taking possession of any part of the beach or land covered with water or other property of the Crown, the Company shall obtain the consent of the Governor in Council, who may impose such terms and conditions as he shall think proper before granting permission to commence the works or take possession of any property of the Crown as aforesaid; and provided also that the navigation of such river shall not be unnecessarily obstructed by such works.

18. Whenever it shall become necessary, for the purpose of procuring sufficient lands for stations or gravel pits, or other purposes, for constructing, maintaining, and using the said bridge or Tunnel, to purchase more land than is required for such stations or gravel pits or other purposes, the said Company may purchase, hold, use or enjoy, such lands and also the right of way thereto (if the same be separated from their bridge or tunnel) in such manner, and for such purposes connected with the construction, maintenance or use of the said bridge or tunnel, as they may deem expedient; and shall sell and convey the same, or parts thereof, not permanently required for the use of the bridge.

19. It shall be lawful for the said Company to enter into any agreement with any Railway or Railroad Company or Companies in the Dominion of Canada, or in the United States of America, for leasing the said bridge or tunnel, or the use thereof at any time or times, or for any period to such Railway or Railroad Company or Companies; or for leasing or hiring from such Company or Companies any railway or railroad or part thereof or the use thereof; or for the leasing or hiring any locomotives, tenders, or moveable property; and generally to make any agreement or agreements with any such Company or such Companies touching the use by one or the other, or others, of the bridge or tunnel, or Railway or Railways, or railroad, or railroads, or moveable property of either, or of any of them, or any part thereof, or touching any service to be rendered by the one Company to the other or others, and the compensation therefor; and any such railway or railroad Company or Companies may agree for the loan of its credit, or may subscribe to and become the owner of the stock of the Company hereby created, in like manner and with like rights as individuals; and any such agreement shall be valid and binding, and shall be enforced by courts of law according to the terms and tenor thereof: and any Company accepting and executing such lease shall be and is empowered to exercise all the rights and privileges in this charter conferred.

20. When the said Railway bridge or tunnel is completed and ready for traffic, all trains of all Railways or Railroads terminating at or near said bridge or tunnel, or in the State of Michigan at or near some point opposite the said bridge or tunnel, and now constructed or hereafter to be constructed, (including the cars of any other Railway Company which may be brought over such Railways), shall have the right to pass over the said bridge or through said tunnel, at corresponding tariff rates for the persons and property transported, so that no discrimination in tariff rates for such transportation shall be made in favour of or against any Railway or Railroad whose trains or business pass over the said bridge or through said tunnel.

21. In case of any disagreement and as often as the same may arise, as to the rights of any Railroad or Railway whose trains or business shall pass through or over the said work hereby authorized to be constructed, or the tariff rates to be charged in respect thereof, the same shall be determined by arbitrators, one to be appointed by the Company hereby incorporated, and another by the Company with whom the disagreement shall have arisen, and a third, (who shall be some person experienced in railway affairs), by one of the superior courts of the Province of Ontario, upon application to such court, due notice thereof having been given to the parties interested; and the award of the said arbitrators, or a majority of them, shall be final: Provided that the terms of the said award shall not bind for a longer term than five years.

22. It shall be lawful for the said Company to unite, amalgamate and consolidate its stock, property and franchises with the
the stock, property and franchises of any other company incorporated or which may be incorporated by the laws of the State of Michigan, one of the United States of America, for a similar purpose with this Company, and to enter into all contracts and agreements therewith necessary to such union and amalgamation — and which said Company shall be by the laws of the State of Michigan authorized to enter into such amalgamation or consolidation.

23. The Directors of the Company hereby incorporated and of any corporation proposing to so amalgamate or consolidate as aforesaid, may enter into a joint agreement in duplicate under the corporate seal of each of the said corporations, for the amalgamation and consolidation of the said corporations, prescribing the terms and conditions thereof, the mode of carrying the same into effect; the name of the new corporation, the number and names of the Directors and other officers thereof, and who shall be the first Directors and officers thereof, and their places of residence; the number of shares of the capital stock, the amount or par value of each share, and the manner of converting the capital stock of each of the said corporations into that of the new corporation; and how and when and for how long; Directors or other officers of such new corporation shall be elected, and when elections shall be held; with such other details as they shall deem necessary to perfect such new organization and the consolidation and amalgamation of the said corporations, and the after management and working thereof; and such new corporation shall have power to consolidate or unite with either or any of the lines of railway, having powers of consolidation or union, connecting with the said bridge or tunnel, by the same means and to the same ends as the same may be consolidated by this Act.

24. Such agreement shall be submitted to the stockholders of each of the said corporations at a meeting thereof, to be held separately for the purpose of taking the same into consideration; notice of the time and place of such meetings, and the object thereof, shall be given by written or printed notices addressed to each of the persons, in whose names at the time of giving such notice the capital stock of such corporations shall stand on the books of such corporations, and delivered to such persons, respectively, or addressed to them by mail at their last known post office address or place of residence; and also by a general notice to be published in a newspaper published in the County of Lambton, and in the City of Detroit, once a week for two successive weeks. At such meetings of stockholders such agreement shall be considered, and a vote by ballot taken for the adoption or rejection of the same, each share entitling the holder thereof to one vote; and the said ballots to be cast in person or by proxy; and if two-thirds of the votes of all the stockholders

stockholders of such corporations shall be for the adoption of such agreement, then that fact shall be certified upon each of the said duplicates by the secretary of each of such corporations under the corporate seals thereof; and if the said agreement shall be so adopted at the respective meetings of the stockholders of each of the said corporations, one of the duplicates of the agreement so adopted and of the said certificates thereof shall be filed in the office of the Secretary of State for the Dominion of Canada, and the other in the office of the Secretary of State for the State of Michigan; and the said agreement shall from thence be taken and deemed to be the agreement and act of consolidation and amalgamation of the Company and of such other corporation; and a copy of such agreement so filed, and of the certificates thereof, properly certified, shall be evidence of the existence of such new corporation.

25. Upon the making and perfecting of the said agreement and act of consolidation as provided in the next preceding section, and the filing of the said agreement as in the said section provided, the several corporations, parties thereto, shall be deemed and taken to be consolidated, and to form one corporation by the name in the said agreement provided, with a common seal; and shall possess all the rights, powers, privileges and franchises, and be subject to all the disabilities and duties of each of such corporations so consolidated and united except as herein provided.

26. Upon the consummation of such act of consolidation as May be so provided, all and singular the property, real, personal and mixed, and all rights and interests appurtenant thereto, all stock subscriptions and other debts due on whatever account, and other things in action belonging to such corporations, or either of them, shall be taken and deemed to be transferred to, and vested in such new corporation, without further act or deed: Provided, however, that all rights of creditors and all liens upon the property of either of such corporations, shall be unimpaired by such consolidation; and all debts, liabilities, and duties of either of the said corporations shall thenceforth attach to the new corporation, and be enforced against it to the same extent as if the said debts, liabilities, and duties had been incurred or contracted by it: And provided also, that no action or proceeding, legal or equitable, by or against the said corporation so consolidated, or either of them, shall abate or be affected by such consolidation, but for all the purposes of such action or proceeding such corporation may be deemed still to exist, or the new corporation may be substituted in such action or proceeding in the place thereof.

27. The said new corporation shall have power from time to time, to borrow such sums of money as may be necessary for
An Act to amend the Act incorporating the Detroit River Railway Bridge Company, and to change the name of the Company to “The Detroit River Railway Bridge and Tunnel Company.”

[Assented to 23rd May, 1873.]

WHEREAS Milton Courtright and other provisional directors of the Detroit River Railway Bridge Company have petitioned for such an amendment to their Act of incorporation as to empower them at their option to construct a bridge across or a tunnel under the River Detroit, and for an increase of their capital stock, and also for other amendments to the said Act, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Senate and the House of Commons of Canada, enacts as follows:

1. Section thirty of the Act passed in the thirty-fifth year of Her Majesty's reign, chaptered ninety-one, intituled, “An Act to incorporate The Detroit River Railway Bridge Company,” is hereby repealed.

2. The name of the Company incorporated by the said Act is hereby changed to “The Detroit River Railway Bridge and Tunnel Company.”

3. The said Company shall have power, at their option, to construct, maintain, work, and manage, a railway bridge across or a tunnel under the River Detroit, as may be found most suitable for railway purposes, at the point mentioned in section four of the said Act.

4. All the provisions and requirements of the said Act concerning the bridge authorized thereby to be constructed, with reference to surveys and plans,—the approval of the site and plans by the Governor in Council,—the running of trains over the same,—agreements with railway companies for leasing the same, or for the use thereof, shall apply to the said tunnel, if constructed, in so far as the same may be properly applicable thereto.

5. If the amount of the capital stock of the Company, including the increase thereof authorized by the ninth section of the said Act, be found insufficient for the purposes of the Company, a further increase may be made under the provisions of “The Railway Act, 1868.”

6. If the amount which the Company is authorized to borrow under the fourteenth section of the said Act be found insufficient, a further issue of bonds may be made, under the provisions of “The Railway Act, 1868.”

7. The time specified in section twenty-nine of the said Act is hereby extended to two years for the commencement, and six years for the completion, respectively, of the works of the Company, from the passing of this Act.

8. The Company shall have full power and authority to purchase, acquire, take and hold all such lands, lands covered with water, ...
water, beaches, and other property as may be necessary for the purpose of constructing the said bridge or tunnel, and working the trains in connection therewith, or for the convenient using of the same, and also for the construction and using of such branch railway, not exceeding four miles in length, as may be necessary to make connections or to approach the said bridge or tunnel, and to use any of the public highways for the purpose of constructing and working the same or any of them, with the consent of the Municipal Council having jurisdiction over such highway.

9. If the Company build a railway bridge instead of a tunnel, they shall have power to construct as part of or in connection with the same, a passage floor or way for horses, carriages and foot passengers, and they may make the same either during the construction of the said railway bridge or at any time after the completion thereof, and in the event of their electing to construct such foot bridge, they may make, amend, repeal, re-enact and enforce all such by-laws, rules and regulations as shall seem to them proper and necessary, as to the management, control and use thereof, and as to the tolls and fares to be received and charged for passing over the same.

36 VICTORIA, CAP. XCII.

An Act to amend the Act incorporating the River St. Clair Railway Bridge and Tunnel Company.

[Assented to 23rd May, 1873.]

WHEREAS Milton Courtright and other provisional directors of the River St. Clair Railway Bridge and Tunnel Company have petitioned for a repeal of the thirty-third section of the Act passed in the thirty-fifth year of Her Majesty's reign, chaptered eighty-seven, intituled, "An Act to incorporate the River St. Clair Railway Bridge and Tunnel Company," and for other amendments to the said Act, and it is expedient to grant the prayer of the said petition: Therefore her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. Section thirty of the Act passed in the thirty-fifth year of Her Majesty's reign, chaptered eighty-seven, intituled, "An Act to incorporate the River St. Clair Railway Bridge and Tunnel Company" is hereby repealed.

2. Section twenty-nine of the said Act is hereby amended by extending the time for commencing the works of the said Company to two years, and for completing the same to six years, respectively, from the passing of this Act.

3. If the amount of the capital stock of the Company, including the increase thereof authorized by the ninth section of the said Act, be found insufficient for the purposes of the Company, a further increase may be made under the provisions of "The Railway Act, 1868."

4. If the amount which the Company is authorized to borrow under the fourteenth section of the said Act be found insufficient, a further issue of bonds may be made under the provisions of "The Railway Act, 1868."

5. The Company shall have full power and authority to purchase, acquire, take and hold all such lands, lands covered with water, beaches, and other property, as may be necessary for the purpose of constructing the said bridge or tunnel, and working the trains in connection therewith, or for the convenient using of the same, and also for the construction and using of such branch railway, not exceeding four miles in length, as may be necessary to make connections or to approach the said bridge or tunnel, and to use any of the public highways for the purpose of constructing and working the same or any of them, with the consent of the Municipal Council having jurisdiction over such highway.

6. If the Company build a railway bridge instead of a tunnel, they shall have power to construct as part of or in connection with the same, a passage floor or way for horses, carriages and foot passengers, and they may make the same either during the construction of the said railway bridge or at any time after the completion thereof, and in the event of their electing to construct such foot bridge, they may make, amend, repeal, re-enact and enforce all such by-laws, rules and regulations as shall seem to them proper and necessary, as to the management, control and use thereof, and as to the tolls and fares to be received and charged for passing over the same.
"THE RAILWAY ACT, 1868."

31 VICTORIA, CAP. LXVIII.

An Act respecting Railways.

[Assented to 22nd May, 1868.]

HER MAJESTY, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. In citing this Act, it shall be sufficient to use the expression "The Railway Act, 1868."

1. APPLICATION OF ACT.

2. The provisions of this Act from section five to section twenty-two, both inclusive, being Part First of this Act, shall apply to The Intercolonial Railway to be constructed under the authority of the Act of the Parliament of Canada, passed during the present Session, and intituled: An Act respecting the construction of the Intercolonial Railway, so far as they are applicable to the undertaking and in so far as they are not inconsistent with or contrary to the provisions of the said Act respecting it:

The same.

3. For the purpose of excepting from incorporation with the Special Act any of the sections forming Part First of this Act, it shall be sufficient in the Special Act to enact, that the sections of this Act proposed to be excepted referring to them by the words forming the headings of such sections respectively shall not be incorporated with such Act, and the Special Act shall thereupon be construed accordingly.

4. The remaining provisions of this Act, being Part Second, shall apply to the Intercolonial Railway, in so far as they are not varied by, or inconsistent with the Special Act respecting it, to all Railways now in course of construction by the Government of Canada, and the property of the Dominion of Canada, in so far as they are not inconsistent with any Special Act respecting them, and to all Railways which may be hereafter constructed under the authority of any Special Act passed by the Parliament of Canada, and to all Companies hereafter incorporated for their construction and working.

PART FIRST.

INTERPRETATION.

5. The expression “The Special Act,” used in this Act, shall be construed to mean any Act authorizing the construction of a Railway, with which this Act is incorporated;

6. The word “prescribed,” used in this Act in reference to “Prescribed,” any matter herein stated, shall be construed to refer to such matter, as the same is prescribed or provided for in the Special Act; and the sentence in which such word occurs shall be construed as if, instead of the word “prescribed,” the expression “prescribed for that purpose in the Special Act” had been used;

7. The expression “the lands” shall mean the lands which “The Lands,” by the Special Act are authorized to be taken or used for the purpose thereof;

8. The expression “the undertaking” shall mean the Railway “The undertaking and works, of whatever description, by the Special Act authorized to be executed;

9. The following words and expressions, both in this and the Special Act, shall have the meanings hereby assigned to them, unless there is something in the subject or context repugnant to such construction, that is to say:

10. The word “Lands” shall include all real estate, messuages, lands, tenements and hereditaments of any tenure;

11. The word “Lease” shall include any agreement for a "Lease;"

12. The word “Toll” shall include any rate or charge or "Toll;" other payment payable under this Act or the Special Act for any passenger, animal, carriage, goods, merchandise, matters or things conveyed on the Railway;
9. The word "Goods" shall include things of every kind that may be conveyed upon the Railway, or upon Steam or other vessels connected therewith;

10. The word "County" shall include any union of Counties, County, Riding, or like division of a County in any Province, or any division thereof into separate Municipalities in the Province of Quebec;

11. The word "Highways" shall mean all public roads, streets, lanes, and other public ways and communications;

12. The word "Sheriff" shall include Under Sheriff, or other legal competent Deputy; and where any matter in relation to any lands is required to be done by any Sheriff or Clerk of the Peace, the expression "the Sheriff," or the expression "Clerk of the Peace," shall in such case be construed to mean the Sheriff or Clerk of the Peace of the District, County, Riding, Division, or place where such lands are situate; and if the lands in question, being the property of one and the same party be situate not wholly in one District, County, Riding, Division, or place, the same expression shall be construed to mean the Sheriff or Clerk of the Peace of any such District, County, Riding, Division or place where any part of such lands are situate;

13. The word "Justice" shall mean a Justice of the Peace acting for the District, County, Riding, Division, City or place where the matter requiring the cognizance of a Justice arises, and who is not interested in the matter; and where the matter arises in respect of lands being the property of one and the same party, situate not wholly in one District, County, Riding, Division, City or place, the word "Justice" shall mean a Justice acting for the District, County, Riding, Division, City or place where any part of such lands are situate, and who is not interested in such matter; and where any matter is authorized or required to be done by two Justices, the expression "two Justices" shall be understood to mean two Justices assembled and acting together;

14. The word "owner," where, under the provisions of this Act or the Special Act, any notice is required to be given to the owner of any lands, or where any act is authorized or required to be done with the consent of the owner, shall be understood to mean any Corporation or person who, under the provisions of this Act, or the Special Act, or any Act incorporated therewith, would be enabled to sell and convey lands to the Company;

15. The expression "the Company" shall mean the Company "The Corporation under Special Acts, declared to be a body corporate, &c. incorporated, to construct, maintain and accommodate the Railway, and works by the Special Act authorized to be constructed.

INCORPORATION.

6. Every Company established under any Special Act shall be a body corporate under the name declared in the Special Act, and shall be vested with all the powers, privileges and immunities necessary to carry into effect the intentions and objects of this Act and of the Special Act therefor, and which are incident to such Corporation, or are expressed or included in " the Interpretation Act."

POWERS.

7. The Company shall have power and authority:

1. To receive, hold and take all voluntary grants and donations of land or other property made to it, to aid in the construction, maintenance and accommodation of the Railway, but the same shall be held and used for the purpose of such grants or donations only;

2. To purchase, hold and take of any Corporation or person any land or other property, necessary for the construction, maintenance, accommodation and use of the Railway, and also to alienate, sell or dispose of the same;

3. No Railway Company shall take possession of, use or occupy Public lands vested in Her Majesty, without the consent of the Governor in Council; but with such consent any such Company may take and appropriate for the use of their Railway and works, but not alienate, so much of the wild lands of the Crown lying on the route of the Railway, as have not been granted or sold, and as may be necessary for such Railway, as also so much of the public beach or of the land covered with the waters of any lake, river, stream or canal, or of their respective beds, as is necessary for making and completing and using their said Railway and Works, subject, however, to the exceptions contained in the next following sub-section;

4. Whenever it is necessary for the Company to occupy any part of the lands belonging to the Queen, reserved for Naval or Military purposes, they shall first apply for and obtain the license and consent of Her Majesty, under the Hand and Seal of the Governor, and having obtained such license and consent, they
they may at any time or times enter into and enjoy any of the
said lands for the purposes of the Railway; but in the case of
any such Naval or Military Reserves, no such license or consent
shall be given except upon a Report first made thereupon by
the Naval or Military authorities in which such lands are for
the time being vested, approving of such license and consent
being so given;

5. The Company shall have power and authority to make,
carry or place the Railway across or upon the lands of any
Corporation or person on the line of the Railway, or within the
distance from such line stated in the Special Act, although
through error or other cause, the name of such party has not
been entered in the Book of Reference hereinbefore mentioned,
or although some other party has been erroneously mentioned
as the owner of or entitled to convey, or is interested in such
lands;

6. To construct, maintain and work the Railway across
along, or upon any stream of water, water course, canal, high-
way or railway which it intersects or touches; but the stream,
water course, highway, canal or railway so intersected or
touched, shall be restored by the Company to its former state,
or to such state as not to impair its usefulness;

7. To make, complete, alter and keep in repair the Railway
with one or more sets of rails or tracks to be worked by the
force and power of steam, or of the atmosphere, or of animals,
or by mechanical power, or by any combination of them;

8. To erect and maintain all necessary and convenient
buildings, stations, depots, wharves and fixtures, and from time
to time to alter, repair or enlarge the same, and to purchase
and acquire stationery or locomotive engines and carriages,
waggons, floats, and other machinery necessary for the accom-
modation and use of the passengers, freight and business of
the Railway;

9. To make branch Railways, if required and provided by
the Special Act, and to manage the same, and for that purpose
to exercise all the powers, privileges and authorities necessary
therefor, in as full and ample a manner as for the Railway;

10. To construct, and make all other matters and things
necessary and convenient for the making, extending and using
of the Railway, in pursuance of this Act, and of the Special
Act;

11. To take, transport, carry and convey persons and goods
on the Railway, to regulate the time and manner in which the
same shall be transported, and the tolls and compensation to be
paid therefor, and to receive such tolls and compensation;

12. To borrow from time to time, either in Canada or
elsewhere, such sums of money as may be expedient for
completing, maintaining or working the Railway, and at a
rate of interest not exceeding eight per cent. per annum,
and to make the Bonds, Debentures or other securities
granted for the sums so borrowed, payable either in cur-
rency or in sterling, and at such place or places within
Canada or without as may be deemed advisable, and to sell
the same at such prices or discount as may be deemed expe-
dient, or be necessary, and to hypothecate, mortgage or pledge
the lands, tolls, revenues and other properties of the Company
for the due payment of the said sums and the interest thereon,
but no such debenture shall be for a less sum than one hundred
dollars;

13. To enter into and upon any lands of Her Majesty with-
out previous license therefor, or into and upon the lands of any
Corporation or person whatsoever lying in the intended route
of the Railway; and to make surveys, examinations, or To make sur-
other necessary arrangements on such lands necessary for
voy of lands;
fixing the site of the Railway, and to set out and ascertain
such parts of the lands as are necessary and proper for the
Railway;

14. To fell or remove any trees standing in any woods, lands
or forests, where the Railway passes, to the distance of six rods
trees;
from either side thereof;

15. 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
purposes of such connection; and the owners of both Railways
may unite in forming such intersection, and grant the facilities
therefor; and in case of disagreement upon the amount of com-
penation to be made therefor, or upon the point or manner of
such crossing and connection, the same shall be determined by
Arbitrators to be appointed by a Judge of one of the Superior
Courts in the Province in which the point of junction or inter-
section is situate;

16. But no Railway Company shall avail itself of any of the
powers contained in the next preceding sub-section without
applying to the Railway Committee, constituted by the Committee
twenty-third section of this Act, for approval, of the mode of
crossing, union or intersection proposed; of which application,
notice in writing shall be given to any other Railway affected,
by sending the same by mail or otherwise, to the address of the
President,
President, Superintendent, Managing Director or Secretary of any such Railway Company, and when such approval has been obtained, it shall be lawful for either Railway, in case of disagreement as to the amount to be paid for compensation, to proceed for the determination of such compensation as provided in the said sub-section;

Any Railway Company may construct branch Railways on certain conditions.

17. Any Railway Company may construct a branch or branches not exceeding six miles in length from any terminus or station of their Railway, whenever a By-law sanctioning the same has been passed by the Municipal Council of the Municipality within the limits of which such proposed branch is situate, and no such branch shall, as to the quality and construction of the road, be subject to any of the restrictions contained in the Special Act or in this Act, nor shall any thing in either of the said Acts authorize the Company to take for such branch any lands belonging to any party without the consent of such party first obtained;

Changes may be made in the line of a Railway at any time for certain purposes.

18. Any Railway Company desiring at any time to change the location of its line of Railway in any particular part for the purpose of lessening a curve, reducing a gradient, or otherwise benefiting such line of Railway, or for any other purpose of public advantage, may make such change; and all and every the clauses of this Act shall refer as fully to the part of such line of Railway so at any time changed or proposed to be changed as to the original line; but no Railway Company shall have any right to extend its line of Railway beyond the termini mentioned in the Special Act;

Stock may be increased; how and on what conditions.

19. The original Capital Stock of any Railway Company may be increased from time to time to any amount, but such increase must be sanctioned by a vote in person or by proxy, of at least two-thirds in amount of all the Shareholders, at a meeting expressly called by the Directors for that purpose, by a notice in writing to each Shareholder, served on him personally, or properly directed to him, and deposited in the Post Office, at least twenty days previous to such meeting, stating the time and place and object of the meeting, and the amount of increase; and the proceedings of such meeting must be entered on the minutes of the proceedings, and thereupon the Capital Stock may be increased to the amount sanctioned by such a vote.

PLANS AND SURVEYS.

8. Plans and Surveys shall be made and corrected as follows:

1. Surveys and levels shall be taken and made of the lands through which the Railway is to pass, together with a Map or Plan thereof, and of its course and direction, and of the lands intended to be passed over and taken therefor, so far as they have been ascertained, and also a Book of Reference for the Railway, in which shall be set forth—

a. A general description of the said lands;

b. The names of the owners and occupiers thereof, so far as they can be ascertained; and,

c. Everything necessary for the right understanding of such Map or Plan;

2. The Map or Plan and Book of Reference shall be examined and certified by the Minister of Public Works or his deputy, and a duplicate thereof, so examined and certified, shall be deposited in the office of the Department of Public Works, and the Company shall be bound to furnish copies of such Map or Plan and Book of Reference or of such parts thereof as relate to each District or County through which the railway is to pass, to be deposited in the offices of the Clerks of the Peace for such Districts or Counties respectively.

3. Any person may resort to such copies, and make extracts from or copies thereof, as occasion requires, paying to the Clerks of the Peace, at the rate of ten cents for every hundred words;

4. Such Map or Plan and Book of Reference so certified, or Certified a true copy thereof certified by the Minister of Public Works, or by the Clerks of the Peace, shall be good evidence in any Court of Law and elsewhere;

5. Any omission, misstatement or erroneous description of such lands, or of the owners or occupiers thereof, in any Map or Plan or Book of Reference, may, after giving ten days' notice to the owners of such lands, be corrected by two Justices on application made to them for that purpose, and if it appears to them that such omission, misstatement or erroneous description arose from mistake, the Justices shall certify the same accordingly;

6. The certificate shall state the particulars of any such Certificate omission, and the manner thereof, and shall be deposited with the Clerks of the Peace of the Districts or Counties respectively in which such lands are situate, and be kept by them along with the other documents to which they relate; and thereupon such Map or Plan or Book of Reference shall be deemed to be corrected according to such certificate; and the Company may make the Railway in accordance with the certificate;
CAP. 68. 128 31 Vic. 1868. 129 31 Vic.

in the office of the Minister of Public Works, and like maps of the parts thereof, located in different Districts and Counties, shall be filed in the Registry Offices for the Districts and Counties in which such parts are respectively situate; and any Company failing or neglecting to furnish such map within the said period, shall incur a penalty of two hundred dollars, and a like penalty for each and every month such failure or neglect shall continue, recoverable in Her Majesty's name in any Court of competent jurisdiction.

14. Every such map shall be drawn on such a scale, and on such paper, as may from time to time be designated for that purpose by the Minister of Public Works, and shall be certified and signed by the President or Engineer of the Corporation.

LANDS AND THEIR VALUATION.

9. The lands which may be taken without the consent of the proprietor thereof, shall not exceed thirty-three yards in breadth, except in places where the Railway is raised more than five feet higher, or cut more than five feet deeper than the surface of the line, or where offsets are established, or where stations, depots or fixtures are intended to be erected, or goods to be delivered, and then not more than two hundred and fifty yards in length by one hundred and fifty yards in breadth, without the consent of the person authorized to convey such lands; and the places at which such extra breadth is to be taken shall be shewn on the Map or Plan, or Plans or Sections, so far as the same may be then ascertained, but their not being so shewn shall not prevent such extra breadth from being taken, provided it be taken upon the line shewn or within the distance aforesaid from such line;

2. The extent of the public beach, or of the land covered with the waters of any river or lake in Canada, taken for the Railway, shall not exceed the quantity limited in the next preceding sub-section;

3. All Corporations and persons whatever, tenants in tail or corporations, for life, general de substitution, guardians, curators, executors, administrators, and all other trustees whatsoever, not only for infants, issue unborn, lunatics, idiots, feme covert, or other persons, seized, possessed of, or interested in any lands, may contract, sell or convey unto the Company all or any part thereof;

4. But the powers by the next preceding sub-section conferred upon Rectors in possession of Glebe lands in the Province of Ontario,
Ontario, Ecclesiastical and other Corporations, Trustees of Land for Church and School purposes, or either, Executors appointed by Wills in which they are not invested with any power over the real estate of the Testator, Administrators of persons dying intestate, or at their death seized of real estate, shall only extend and be exercised with respect to any of such lands actually required for the use and occupation of any Railway Company;

Effect of sale under preceding subsection.

5. Any contract, agreement, sale, conveyance and assurance so made, under the two preceding subsections, shall be valid and effectual in law to all intents and purposes whatsoever, and shall vest in the Railway Company receiving the same, the fee simple in the lands in such deed described, freed and discharged from all trusts, restrictions and limitations whatsoever; and the Corporation or person so conveying, is hereby indemnified for what it or he respectively does by virtue of or in pursuance of this Act;

Disposition of purchase money.

6. The Company shall not be responsible for the disposition of any purchase money for lands taken by them for their purposes, if paid to the owner of the land, or into Court for his benefit, as hereinafter provided;

Effect of contracts made before deposit of map.

7. Any contract or agreement made by any party authorized by this Act to convey lands, and made before the deposit of the Map or Plan and Book of Reference, and before the setting out and ascertaining of the lands required for the Railway, shall be binding at the price agreed upon for the same lands, if they are afterwards so set out and ascertained within one year from the date of the contract or agreement, and although such lands may, in the meantime, have become the property of a third party; and possession of the land 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 provided, and the agreement shall be in the place of an award;

Corporations who cannot sell, may agree upon a fixed rent.

8. All Corporations or persons who cannot in common course of law sell or alienate any lands 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, and if the amount of the rent is not fixed by voluntary agreement or compromise, it shall be fixed and all proceedings shall be regulated in the manner herein prescribed; and for the payment of the said annual rent, and every other annual rent agreed upon or ascertained, and to be paid for the purchase of any lands, or for any part of the purchase money of any lands, which the vendor agrees to leave unpaid, the Railway and the tolls thereon shall be liable and chargeable in preference to all other claims and demands thereon whatsoever, the deed creating such charge and liability being duly registered in the Registry Office of the proper District, County, or Registration Division;

9. Whenever there is more than one party proprietor of any land as joint tenant or tenants in common, or par indivis, any contract or agreement made in good faith with any party or parties, or proprietor or being together proprietors of one third or more of such land, as to the amount of compensation for the same or for any damages thereto, shall be binding as between the remaining proprietor or proprietors as joint tenants or tenants in common, and par indivis; and the proprietor or proprietors who have so agreed, may deliver possession of such land, or empower the entry upon the same, as the case may be;

10. After one month from the deposit of the Map or Plan and Book of Reference, and from notice thereof in at least one newspaper, if there be any, published in each of the Districts and Counties through which the Railway is intended to pass, application may be made to the owners of lands or to parties empowered to convey lands, or interested in lands which may suffer damage from the taking of materials or the exercise of any of the powers granted for the Railway, and thereupon, agreements and contracts may be made with such 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 such compensation shall be ascertained, as may seem expedient to both parties, and in case of disagreement between them, or any of them, then all questions which arise between them shall be settled as follows, that is to say:

11. The deposit of a Map or Plan and Book of Reference, and Deposit of the notice of such deposit, shall be deemed a general notice to all the parties, of the lands which will be required for the Railway and works;

12. The notice served upon the party shall contain:

a. A description of the lands to be taken, or of the powers intended to be exercised with regard to any lands, describing them;

b. A declaration of readiness to pay some certain sum or rent, as the case may be, as compensation for such lands or for such damages; and,

c. The name of a person to be appointed as the Arbitrator of the Company, if their offer be not accepted; and such notice shall be accompanied by the certificate of a sworn Surveyor for the Province in which the lands are situated, disinterested in the matter, and not being the Arbitrator named in the notice:
a. That the land, if the notice relate to the taking of land, shewn on the said Map or Plan, is required for the Railway, or is within the limits of deviation hereby allowed;

b. That he knows the land, or the amount of damage likely to arise from the exercise of the powers; and,

c. That the sum so offered is, in his opinion, a fair compensation for the land, and for the damages as aforesaid;

13. If the opposite party is absent from the District or County in which the lands lie, or is unknown, then upon application to the Judge of the Superior Court for the District; if it be in the Province of Quebec, or to the Judge of the County Court for the County, if it be in either of the Provinces of Ontario or New Brunswick, or to a Judge of the Supreme Court if it be in the Province of Nova Scotia, accompanied by such certificate as aforesaid, and by an affidavit of some officer of the Company that the opposite party is so absent, or that, after diligent enquiry, the party on whom the notice ought to be served cannot be ascertained, the Judge shall order a notice as aforesaid, but without a Certificate, to be inserted three times in the course of one month in some newspaper published in the District or County; or if there be no newspaper published therein, then in a newspaper published in some adjacent District or County;

14. Whenever any County Judge is interested in any lands taken or required by the Company within the County in which he is such judge, any judge of any of the Superior Courts in the Province in which the lands are, shall, on the application of the Company, exercise in such case all the powers given by this section to the County Judge in cases in which he is not interested;

15. If within ten days after the service of such notice, or within one month after the first publication thereof, the opposite party does not notify to the Company his acceptance of the sum offered by them, or notify to them the name of a person whom he appoints as Arbitrator, then the Judge shall, on the application of the Company, appoint a Sworn Surveyor, for the Province, as the case may be, to be sole Arbitrator for determining the compensation to be paid as aforesaid;

16. If the opposite party within the time aforesaid, notifies to the Company the name of his Arbitrator, then the two Arbitrators shall jointly appoint a third, or if they cannot agree upon a third, then the Minister of Public Works shall, on the application of the party or of the Company (previous notice of, at least, two clear days having been given to the other party), appoint one of the Official Arbitrators to be a third Arbitrator;

17. The Arbitrators or two of them, or the sole Arbitrator, may examine on oath or solemn affirmation the parties or such witnesses as voluntarily appear before them, or may administer such oath or affirmation; and any wilfully false statement made by any witness, under such oath or affirmation, shall be deemed wilful and corrupt perjury, and punishable accordingly;

18. The Arbitrators in deciding on such value or compensation, are authorized and required to take into consideration the increased value that would be given to any lands or grounds through or over which the railway will pass by reason of the passage of the railway through or over the same, or by reason of the construction of the railway, and to set off the increased value that will attach to the said lands or grounds, against the inconvenience, loss or damage that might be suffered or sustained by reason of the Company taking possession of or using the said lands or grounds as aforesaid;

19. If in any case where three Arbitrators have been appointed, the sum awarded is not greater than that offered, the cost of the arbitration shall be borne by the opposite party, and be deducted from the compensation, but if otherwise they shall be borne by the Company, and in either case they may, if not agreed upon, be taxed by the Judge;

20. The Arbitrators, or a majority of them, or the sole Arbitrator, may examine on oath or solemn affirmation the parties or such witnesses as voluntarily appear before them or him, and may administer such oath or affirmation; and any wilfully false statement made by any witness, under such oath or affirmation, shall be deemed wilful and corrupt perjury, and punishable accordingly;

21. A majority of the Arbitrators at the first meeting after their appointment, or the sole Arbitrator shall fix a day or time as before which the award shall be made, and if the same is not made on or before such day or time, as the case may be, and the time for making it has been prolonged, either by the consent of the parties or by resolution of the Arbitrators, then, the sum offered by the company as aforesaid, shall be the compensation to be paid by them;
22. If the sole Arbitrator appointed by the Judge or the Official Arbitrator appointed by the Minister of Public Works, or any Arbitrator appointed by the parties, dies before the award has been made, or is disqualified, or refuses or fails to act within a reasonable time, then, in the case of the sole Arbitrator, the Judge, upon the application of either party, and in the case of the Official Arbitrator, the Minister of Public Works, upon a like application, the Judge or Minister being satisfied by affidavit or otherwise of such death, disqualification, refusal or failure, may appoint another Arbitrator in his place, and in the case of any Arbitrator appointed by the parties the company and party respectively may each appoint an Arbitrator in the place of his Arbitrator so deceased or not acting, but no recommencement or repetition of prior proceedings shall be required in any case;

23. Any such notice for lands, as aforesaid, may be desisted from, and new notice given, with regard to the same or other lands, to the company or any other party, but in any such case, the liability to the party first notified for all damages or costs by him incurred in consequence of such first notice and desistment shall subsist;

24. The surveyor or other person offered or appointed as Valuator or as sole Arbitrator, shall not be disqualified by reason that he is professionally employed by either party, or that he has previously expressed an opinion as to the amount of compensation, or that he is related or of kin to any member of the Company, provided he is not himself personally interested in the amount of the compensation; and no cause of disqualification shall be urged against any Arbitrator appointed by the Judge after his appointment, but the objection must be made before the appointment, and its validity or invalidity shall be summarily determined by the Judge.

25. 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 the Judge, on the application of either party, after two clear days' notice to the other, and if the cause is determined to be valid, the appointment shall be null, and the party offering the person so adjudged to be disqualified, shall be held not to have appointed an Arbitrator;

26. No award shall be invalidated from any want of form or other technical objection, if the requirements of this Act have been complied with, and if the award 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;

27. Upon payment or legal tender of the compensation or annual rent so awarded or agreed upon 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 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 has been awarded or agreed upon; and if any resistance or forcible opposition be made by any person to their so doing, the Judge may, on proof to his satisfaction of such award or agreement, issue his warrant to the Sheriff of the district or county, or to a Bailiff, as he may deem most suitable, to put the Company in possession, and to put down such resistance or opposition, which the Sheriff or Bailiff, taking with him sufficient assistance, shall accordingly do;

28. Such warrant may also be granted by any such Judge, when warrant without such award or agreement, on affidavit to his satisfaction that the immediate possession of the lands or of the power to do the thing mentioned in the notice, is necessary to carry on some part of the Railway with which the Company are ready forthwith to proceed; and upon the Company giving security to his satisfaction, and in a sum which shall not be less than double the amount mentioned in the notice, to pay or deposit the compensation to be awarded within one month after the making of the award, with interest from the time at which possession is given, and with such costs as may be lawfully payable by the Company;

29. The compensation for any lands which might be taken without the consent of the proprietor, shall stand in the stead of such lands; and any claim to or incumbrance upon the said lands, or any portion thereof, shall, as against the Company be converted into claim to the compensation, or to a like proportion thereof, and they shall be responsible accordingly whenever they have paid such compensation, or any part thereof, to a party not entitled to receive the same, saving always their recourse against such party;

30. If the Company has reason to fear any claims or incumbrances, or if any party to whom the compensation or annual rent, or any part thereof is payable, refuses to execute the proper conveyance and guarantee, or if the party entitled to claim the same cannot be found, or is unknown to the Company, or if for any other reason the Company deems it advisable, the Company
Company may, if the lands are situated in either of the Provinces of Ontario, Nova Scotia or New Brunswick, pay such compensation into the office of one of the Superior Courts for the Province in which the lands are situated, with the interest thereon for six months, and may deliver to the Clerk of the Court an authentic copy of the conveyance, or of the award or agreement if there be no conveyance, and such award or agreement shall thereafter be deemed to be the title of the Company to the land therein mentioned;

31. A notice, in such form and for such time as the court appoints, shall be inserted in some newspaper, if there be any published in the District or County in which the lands are situate, and at the Seat of Government of the Province, which 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 the land, or to any part thereof or representing or being the husbands of any parties so entitled, to file their claims to the compensation, or any part thereof, and all such claims shall be received and adjudged upon by the Court, and the said proceedings shall forever bar all claims to the lands, or any part thereof, including dower, as well as all mortgages or incumbrances upon the same; and the Court shall make such order for the distribution, payment or investment of the compensation, and for the securing of the rights of all parties interested, as to right and justice, and according to the provisions of this Act and the Special Act, and to law, appertain;

32. The costs of the proceedings, or any part thereof, shall be paid by the Company, or by any other party, as the Court may order;

33. If such order of distribution be obtained in less than six months from the payment of the compensation into Court, the Court shall direct a proportionate part of the interest to be returned to the Company, and if from any error, fault or neglect of the Company, it is not obtained until after the six months have expired, the Court shall order the Company to pay the Prothonotary the interest for such further period as may be right;

34. If the lands so taken are situate in the Province of Quebec, and if the Company have reason to fear any such claim, mortgage, hypothec or incumbrance, or if any party to whom the compensation or annual rent, or any part thereof, is payable, refuses to execute the proper conveyance and guarantee, or if the party entitled to claim the compensation or rent cannot be found, or is unknown to the Company, or if for other reason the Company deems it advisable, the Company may pay such compensation into the hands of the Prothonotary of the Superior Court for the District in which the land is situate, with the interest thereon for six months, and may deliver to the said Prothonotary an authentic copy of the conveyance, or of the award, if there be no conveyance, and such award shall thereafter be deemed to be the title of the Company to the land therein mentioned, and proceedings shall thereupon be had for the confirmation of the title of the 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 or award,) is under this Act, and shall call upon all persons entitled to the lands, or any part thereof, or representing or being the husband of any party so entitled, to file their claims to the compensation, or any part thereof, and all such claims shall be received and adjudged upon by the Court;

35. Such judgment of confirmation shall forever bar all claims to the land, or any part thereof (including dower not yet open) as well as any mortgage, hypothec or incumbrance upon the same; and the Court shall make such order for the distribution, payment or investment of the compensation, and for the security of the rights of all parties interested, as to right and justice, and the Special Act, and the provisions of this Act and to law, shall appertain;

36. The costs of the proceedings, or any part thereof, shall be paid by the Company, or by any other party, as the Court may order; and if judgment of confirmation be obtained in less than six months from the payment of the compensation to the Prothonotary, the Court shall direct a proportionate part of the interest to be returned to the Company, and if from any error, fault or neglect of the Company, it is not obtained until after the six months have expired, the Court shall order the Company to pay the Prothonotary the interest for such further period as may be right;

37. If the Railway passes through any land belonging to or in possession of any Tribe of Indians in Canada, or if any act occasioning damage to their lands be done under the authority of this Act or the Special Act, compensation shall be made to them therefor, in the same manner as is provided with respect to the lands or rights of other individuals; and whenever it is necessary that Arbitrators should be chosen by the parties, the Secretary of State is hereby authorized and required to name an Arbitrator on behalf of the Indians, and where the lands belong to the Indians, the amount awarded in any case shall be paid to the said Secretary of State, for the use of such Tribe or Body.
The Railway shall not be carried along an existing highway, but merely cross the same in the line of the Railway, unless leave has been obtained from the proper Municipal or local authority therefor; and no obstruction of such highway with the works shall be made without turning the highway so as to leave an open and good passage for carriages, and on completion of the works, replacing the highway, under a penalty of not less than forty dollars for any contravention; but, in either case, the rail itself, provided it does not rise above nor sink below the level of the road more than one inch, shall not be deemed an obstruction.

No part of the Railway which crosses any highway without being carried over by a bridge, or under by a tunnel, shall rise above or sink below the level of the highway more than one inch; and the Railway may be carried across or above any highway within the limits aforesaid.

The span of the arch of any bridge erected for carrying the Railway over or across any highway shall at all times be, and be continued of the open and clear breadth and space, under such arch, of not less than twenty feet, and of a height from the surface of such highway to the centre of such arch of not less than twelve feet; and the descent under any such bridge shall not exceed one foot in twenty feet.

The ascent of all bridges erected to carry any highway over any Railway shall not be more than one foot in twenty feet increase over the natural ascent of the highway; and a good and sufficient fence shall be made on each side of every bridge, which fence shall not be less than four feet above the surface of the bridge.

Signboards stretching across or projecting over the highway crossed at a level by any Railway, shall be erected and kept up at each crossing at such height as to leave sixteen feet from the highway to the lower edge of the signboard, and having the words "Railway Crossing" painted on each side of the signboard, in letters not less than six inches in length; and for any neglect to comply with the requirements of this sub-section, a penalty not exceeding forty dollars shall be incurred.

Fences to be erected on each side of Railway, with gates and crossings.

Within six months after any lands have been taken for the use of the Railway, the Company shall, if thereunto required by the proprietors of the adjoining lands, at their own costs and charges, erect and maintain on each side of the Railway, fences of the height and strength of an ordinary division fence, with sliding gates, commonly called hurdle gates, with proper fastenings, at farm crossings of the road, for the use of the proprietors of the lands adjoining the Railway; and also cattle-guards at all road crossings, suitable and sufficient to prevent cattle and animals from getting on the Railway.

Until such fences and cattle guards are duly made, the Liability of Company shall be liable for all damages which may be done by their trains or engines to cattle, horses or other animals on the Railway;

After the fences or guards have been duly made, and while they are duly maintained, no such liability shall accrue for any such damages, unless negligently or wilfully done;

Persons prohibited from going on the track, &c.

Tolls shall be from time to time fixed and regulated by the By-laws of the Company, or by the directors, if thereunto authorized by the By-laws, or by the Shareholders at any general meeting, and may be demanded and received for all passengers and goods transported upon the Railway or in the steam vessels to the undertaking belonging, and shall be paid to such persons and at such places near to the Railway, in such manner and under such regulations as the By-laws direct.

In case of denial or neglect of payment on demand of any such tolls, or any part thereof, to such persons, the same may be sued for and recovered in any competent Court, or the agents or servants of the Company may seize the goods for or in respect whereof such tolls ought to be paid, and detain the same until payment thereof; and in the meantime the said goods shall be at the risk of the owners thereof;

If the tolls are not paid within six weeks, the Company may sell the whole or any part of such goods, and out of the proceeds thereof.
money arising from such sale retain the tolls payable, and all charges and expenses of such detention and sale; rendering the surplus, if any, or such of the goods as remain unsold, to the person entitled thereto;

When goods distrained or detained may be sold.  

4. If any goods remain in the possession of the Company unclaimed for the space of twelve months, the Company may thereafter, and on giving public notice thereof by advertisement for six weeks in the Official Gazette of the Province in which such goods are, and in such other papers as they deem necessary, sell such goods by public auction at a time and place to be mentioned in such advertisement, and out of the proceeds thereof pay such tolls and all reasonable charges for storing, advertising and selling such goods; and the balance of the proceeds, if any, shall be kept by the Company for a further period of three months, to be paid over to any party entitled thereto;

Proceeds, how dealt with.  

5. 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 Canada, until claimed by the party entitled thereto;

How balance to be disposed of.  

6. All or any of the tolls may, by any by-law, be reduced and again raised as often as deemed necessary for the interests of the undertaking; but the same shall be payable at the same time and under the same circumstances upon all goods and by all persons, 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;

Tolls—how raised or reduced.  

7. In all cases, a fraction in the distance over which goods or passengers are transported on the Railway shall be considered as a whole mile; and for a fraction of a ton in the weight of any goods, a proportion of the tolls shall be demanded and taken, according to the number of quarters of a ton contained therein; and a fraction of a quarter of a ton shall be deemed and considered as a whole quarter of a ton;

A fraction of a mile or ton how estimated in charging tolls.  

8. The Directors shall, from time to time, print and stick up, or cause to be printed and stuck up, in the office, and in all and every of the places where the tolls are to be collected, in some conspicuous place there, a printed board or paper exhibiting all the tolls payable, and particularizing the price or sum of money to be charged or taken for the carriage of any matter or thing;

Table of tolls to be stuck up in offices and care.  

9. No tolls shall be levied or taken until approved of by the Governor 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;

Tolls to be approved of by the Governor in Council.

10. Every by-law fixing and regulating tolls shall be subject to revision by the Governor in Council from time to time, after approval thereof; and after an Order in Council, reducing the tolls fixed and regulated by any by-law, has been twice published in the Canada Gazette, the tolls mentioned in such Order in Council shall be substituted for those mentioned in the by-law so long as the Order in Council remains unrevoked;

When Parliament may reduce tolls on Railways.

11. The Parliament of Canada may from time to time reduce the tolls upon the railway, but not without consent of the company, or so as to produce less than fifteen per cent. per annum profit on the capital actually expended in its construction; nor, unless, on an examination made by the Minister of Public Works of the amount received and expended by the Company, the net income from all sources, for the year then last passed, is found to have exceeded fifteen per cent. upon the capital so actually expended;

12. No by-law of any Railway Company by which any Tolls By-laws imposed, or altered, or by which any party other than the Members, Officers, and Servants of the Company are intended to be bound, shall have any force or effect until the same has been approved and sanctioned by the Governor in Council.

GENERAL MEETINGS.

13. The Shareholders may assemble together at general Shareholders meetings for purposes connected with or belonging to the undertaking, and at any annual general meeting, may elect Directors in the manner provided by the next succeeding section.

PRESIDENT AND DIRECTORS—THEIR ELECTION AND DUTIES.

14. A Board of Directors of the undertaking to manage its Board of Directors affairs, the number whereof shall be stated in the Special Act, the Directors to be elected annually by a majority of the shareholders voting at such election at a general meeting, the time and place for which shall be appointed by the Special Act, and if such election is not held on the day appointed, the Directors shall cause such election to be held within as short a delay as possible after the day appointed;

2. No person shall be admitted to vote on such subsequent election held on the day except those who would have been entitled to vote had the election been held on the day it ought to have been held;

3. Vacancies in the Board of Directors shall be filled in the manner prescribed by the by-laws;
of the Company, who shall always, when present, be the chairman of and preside at all meetings of the Directors, and shall hold his office until he ceases to be a Director, or until another President has been elected in his stead; and they may in like manner elect a Vice-President, who shall act as chairman in the absence of the President;

12. The Directors at any meeting at which not less than a quorum, to be settled by the Special Act, are present, shall be competent to use and exercise all and any of the powers vested in them;

13. The act of a majority of a quorum of the Directors present at any meeting regularly held, shall be deemed the act of the Directors;

14. No Director shall have more than one vote except the Casting vote. Chairman, who shall, in case of a division of equal numbers, have the casting vote;

15. The Directors shall be subject to the examination and control of the Shareholders at their annual meetings, and to be subject to all by-laws of the company, and to the orders and directions from time to time made at the annual or special meetings, such orders and directions not being contrary to any express directions or provisions of this Act or the Special Act;

16. No person holding any office, place or employment in or being concerned or interested in any contracts under or with the Company, shall be capable of being chosen a Director, or of holding the office of Director, or shall any person being a Director of the Company enter into, or be directly or indirectly for his own use and benefit, interested in any contract with the Company, not relating to the purchase of land necessary for the railway; or be or become a partner of any contractor with the Company;

17. The Directors shall make by-laws for the management and disposition of the stock, property, business and affairs of the Company, not inconsistent with the laws of Canada, and for the appointment of all officers, servants and artificers, and prescribing their respective duties;

18. The Directors shall, from time to time, appoint such officers as they deem requisite, and shall take sufficient security, by one or more penal bonds, or by the guarantee of the European Assurance Society, or of any society incorporated for like purposes, as they may deem expedient or otherwise, from the manager and officers for the time being, for the safe keeping and accounting for by them respectively of the moneys raised by
by virtue of this Act and the Special Act, and for the faithful execution of their offices, as the directors think proper.

19. In case of the absence or illness of the President, the Vice-President shall have all the rights and powers of the president, and may sign all notes, bills, debentures and other instruments, and perform all acts which by the regulations and by-laws of the Company, or by the Acts incorporating the Company, are required to be signed, performed and done by the President;

20. The Directors may at any meeting require the secretary to enter such absence or illness among the proceedings of such meeting, and a certificate thereof signed by the secretary shall be delivered to any person or persons requiring the same on payment to the treasurer of one dollar, and such certificate shall be taken and considered as prima facie evidence of such absence or illness, at and during the period in the said certificate mentioned, in all proceedings in courts of justice or otherwise;

21. The Directors shall cause to be kept, and annually on the thirty-first day of December to be made up and balanced, a true, exact and particular account of the moneys collected and received by the Company or by the Directors or Managers thereof, or otherwise, for the use of the Company, and of the charges and expenses attending the erecting, making, supporting, maintaining and carrying on of the undertaking, and of all other receipts and expenditures of the Company or the Directors.

**CALLS.**

15. The Directors may, from time to time, make such calls of money upon the respective Shareholders, in respect of the amount of capital respectively subscribed or owing by them, as they deem necessary, and thirty days' notice at least shall be given of each call, and no call shall exceed the prescribed amount determined in the Special Act, or be made at a less interval than two months from the previous call, nor shall a greater amount be called in, in any one year, than the amount prescribed in the Special Act;

2. All notices of meetings or of calls upon the Shareholders of the Company shall be published weekly in the Canada Gazette, which shall be conclusive evidence of the sufficiency of such notice;

3. Every Shareholder shall be liable to pay the amount of the call so made in respect of the shares held by him to the persons and at the times and places from time to time appointed by the Company or the Directors;

4. If before or on the day appointed for payment, any Shareholder does not pay the amount of the call, he shall be liable to pay interest for the same, at the rate of six per centum per annum, from the day appointed for the payment thereof to the time of the actual payment;

5. If at the time appointed for the payment of any call, any Amount of call may be recovered by the same may be recovered with lawful interest from the day on which the call became payable;

6. In any action or suit to recover any money due upon any call, it shall not be necessary to set forth the special matter, but it shall be sufficient to declare that the defendant is the holder of one share or more, stating the number of shares, and is indebted in the sum of money to which the calls in arrear amount, in respect of one call or more, stating the number and amount of each of such calls, whereby an action hath accrued to the Company by virtue of the Special Act;

7. The Certificate of Proprietorship of any share shall be admitted in all Courts as prima facie evidence of the title of any Shareholder, his executors, administrators, successors or assigns, to the share therein specified;

8. But the want of such Certificate shall not prevent the Prov- holder of any share from disposing thereof;

9. Any person neglecting or refusing to pay a ratable share Penalty for refusal to pay calls. of the calls as aforesaid, for the space of two months after the time appointed for the payment thereof, shall forfeit his shares in the undertaking, and all the profit and benefit thereof, which forfeitures shall go to the Company for the benefit thereof;

10. No advantage shall be taken of the forfeiture, unless the same is declared to be forfeited at a General Meeting of the Company, assembled at any time after such forfeiture has been incurred;

11. Every such forfeiture shall be an indemnification to and for every Shareholder so forfeiting, against all actions, suits or prosecutions whatever, commenced or prosecuted for any breach of contract or other agreement between such Shareholder and the other Shareholders with regard to carrying on the undertaking;

12. The Directors may sell, either by public auction or private sale, and in such manner and on such terms as to them may be determined, any Shareholder so forfeiting, the same may be recovered with lawful interest from the day on which the call became payable.
may seem meet, any shares so declared to be forfeited, and also
any shares remaining unsubscribed for in the capital stock of
the Company, or pledge such forfeited or unsubscribed shares
for the payment of loans or advances made or to be made
thereon, or of any sums of money borrowed or advanced by or
to the Company;

13. A Certificate of the Treasurer of the Company that the
forfeiture of the shares was declared, shall be sufficient evidence
of the fact, and of their purchase by the purchaser, and such
Certificate with the receipt of the Treasurer for the price of such
shares, shall constitute a good title to the shares, and the Cer-

14. Shareholders willing to advance the amount of their
shares, or any part of the money due upon their respective
shares beyond the sums actually called for, may pay the same,
and upon the principal moneys so paid in advance, or so much
thereof as from time to time exceeds the amount of the calls
then made upon the shares in respect of which such advance is
made, the Company may pay such interest at the legal rate of
interest for the time being, as the shareholders paying such sum
in advance and the Company agree upon; but such interest
shall not be paid out of the capital subscribed.

DIVIDENDS.

16. At the general meetings of the Shareholders of the un-
tertaking from time to time holden, a dividend shall be made
out of the clear profits of the undertaking, unless such meetings
declare otherwise.

At so much
per share.

2. Such dividend shall be at and after the rate of so much

per share upon the several shares held by the Shareholders in
the stock of the Company, as such meeting may think fit to
appoint or determine;

3. No dividend shall be made whereby the Capital of the
Company is in any degree reduced or impaired, or be paid out
of such capital, 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 has been paid;

4. The Directors may, in their discretion, until the Railroad
is completed and opened to the public, pay interest at any rate
not exceeding six dollars per hundred dollars per annum, on
all sums called up in respect of the shares, from the respective
days on which the same have been paid, such interest to accrue
and be paid at such times and places as the Directors appoint
for that purpose;

5. No interest shall accrue to the proprietors of any share
upon which any call is in arrear in respect of such shares or
upon any other share held by the same Shareholder while such
call remains unpaid.

SHARES AND THEIR TRANSFER.

17. Shares in the undertaking may, by the parties, be sold
and disposed of by instrument in writing, to be made in duplic-
ate, one part of which shall be delivered to the Directors, to be
filed and kept for the use of the Company, and an entry thereof
shall be made in a Book to be kept for that purpose; and no
interest on the shares transferred shall be paid by the purchaser
until such duplicate is so delivered, filed and entered;

2. Sales 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., hereby do sell and transfer to him share (or
shares) of the stock of the , to hold to him the
said C. D., his heirs, executors, administrators and assigns, subject
to the same rules and orders, and on the same conditions
that I held the same immediately 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 this
day of in the year 18

3. The Stock of the Company shall be deemed personal es-
state, but no shares shall be transferable until all previous calls
thereon have been fully paid in, or the said shares have been
declared forfeited for the non-payment of calls thereon, and no
transfer of less than a whole share shall be valid;

4. If any share in the Company be transmitted by the Transmission
death, bankruptcy or last will, donation or testament, or by
the intestacy of any Shareholder, or by any lawful means
other than the transfer hereinbefore mentioned, the party to
whom such share is transmitted, shall deposit in the office of
the Company a statement in writing, signed by him declaring
the manner of such transmission, together with a duly certified copy or probate of such will, donation or testament, or sufficient extracts therefrom, and such other documents or proof as may be necessary, and without such proof the party shall not be entitled to receive any share of the profits of the Company, nor vote in respect of any such share as the holder thereof;

5. The Company shall not be bound to see to the execution of any trust, whether express, implied or constructive, to which any of the shares may be subject and the receipt of the party in whose name any share stands in the Books of the Company, or if it stands in the name of more parties than one, the receipt of one of the parties named in the Register of Shareholders shall from time to time be a sufficient discharge to the Company for any dividend or other sum of money payable in respect of the share, notwithstanding any trust to which the share may then be subject, and whether or not the Company have had notice of the trusts, and the Company shall not be bound to see to the application of the money paid upon such receipts;

6. The funds of the Company shall not be employed in the purchase of any Stock in their own or in any other Company.

SHAREHOLDERS.

18. Each Shareholder shall be individually liable to the creditors of the Company to an amount equal to the amount unpaid on the Stock held by him, for the debts and liabilities thereof, and until the whole amount of his Stock has been paid up; but shall not be liable to an action therefor before an execution against the Company has been returned unsatisfied in whole or in part;

2. Municipal Corporations in any Province in Canada being duly empowered so to do by the laws of the Province, and subject to the limitations and restrictions by such laws prescribed, may subscribe for any number of shares in the Capital Stock of the Company, and the Mayor, Warden or Reeve, or other head of any such Corporation holding stock to the amount of twenty thousand dollars or upwards, shall be ex officio one of the Directors of the Company in addition to the number of Directors authorized by the Special Act;

3. A true and perfect account of the names and places of abode of the several Shareholders shall be entered in a Book to be kept for that purpose.

BY-LAWS, NOTICES, &c.

19. All By-laws, Rules and Orders regularly made, shall be put into writing and signed by the Chairman or person presiding at the meeting at which they are adopted, and shall be kept in the office of the Company; and a printed copy of so much of them as relates to or affects any party other than the members or servants of the Company, shall be affixed openly in every place where tolls are to be gathered, and a printed copy of so much of them as relates to the safety and liability of passengers shall be openly affixed in each passenger car, and in like manner so often as any change or alteration is made to the same; and any copy of the same, or of any of them, certified as correct by the President or Secretary, shall be evidence thereof in any Court;

2. All such By-laws, Rules and Orders shall be submitted from time to time to the Governor for approval;

3. Copies of the Minutes of proceedings and resolutions of the Shareholders of the Company, at any general or special meeting, and of the Minutes of proceedings and resolutions of the Directors, at their meetings, extracted from the Minute-books kept by the Secretary of the Company, and by him certified to be true copies, extracted from such Minute-books, shall be evidence of such proceedings and resolutions in any Court;

4. All notices given by the Secretary of the Company, by order of the Directors, shall be deemed notices by the Directors and Company.

WORKING OF THE RAILWAY.

20. Every servant of the undertaking employed in a passenger train or at a station for passengers, shall wear upon his hat or cap, a badge, which shall indicate his office, and he shall not without such badge be entitled to demand or receive from any passenger any fare or ticket, or to exercise any of the powers of his office, or to interfere with any passenger or his baggage or property;

2. The trains shall be started and run at regular hours to be fixed by public notice, and shall furnish sufficient accommo-

3.
3. Such passengers and goods shall be taken, transported and discharged, at from, and to such places, on the due payment of the toll, freight or fare legally authorized therefor;

4. The party aggrieved by any neglect or refusal in the premises, shall have an action therefor against the Company;

5. Checks shall be affixed by an agent or servant to every parcel of baggage having a handle, loop or fixture of any kind thereupon, and a duplicate of such check shall be given to the passenger delivering the same;

6. If such check be refused on demand, the Company shall pay to such passenger the sum of eight dollars, to be recovered in a civil action; and further, no fare or toll shall be collected or received from such passenger, and if he has paid his fare, the same shall be refunded by the Conductor in charge of the train;

7. Any passenger producing such check, may himself be a witness in any suit brought by him against the Company to prove the contents and value of his baggage not delivered to him;

8. The baggage, freight, merchandise or lumber cars shall not be placed in rear of the passenger cars, and if any such be so placed, the officer or agent directing or knowingly suffering such arrangement, and the Conductor of the train, shall severally be guilty of a misdemeanor, and be punished accordingly;

9. Every locomotive engine shall be furnished with a bell of at least thirty pounds weight, and with a steam whistle;

10. The bell shall be rung, or the whistle sounded at the distance of at least eighty rods from every place where the Railway crosses any highway, and be kept ringing or be sounded at short intervals, until the engine has crossed such highway, under a penalty of eight dollars for every neglect thereof; to be paid by the Company, who shall also be liable for all damages sustained by any person by reason of such neglect, and one-half of such penalty and damages shall be chargeable to and collected by the Company from the Engineer having charge of such engine and neglecting to sound the whistle or ring the bell as aforesaid;

11. Any person in charge of a locomotive engine, or acting as the Conductor of a car or train of cars, who is intoxicated, shall be guilty of a misdemeanor;

12. Any passenger refusing to pay his fare, may, by the Conductor of the train and the servants of the Company, be put out of the cars, with his baggage, at any usual stopping place, or near any dwelling-house, as the Conductor elects, the Conductor first stopping the train and using no unnecessary force;

13. Any passenger injured while on the platform of a car, or on any baggage, wood, or freight car, in violation of the printed regulations posted up at the time in a conspicuous place inside when the passenger cars then in the train, shall have no claim for the injury, provided room inside of such passenger cars, sufficient for the proper accommodation of the passengers, was furnished at the time;

14. No person shall be entitled to carry or to require the Company to carry upon their Railway, aquafortis, oil of vitriol, gunpowder, nitro-glycerine, or any other goods, which in the judgment of the Company, may be of a dangerous nature; and they must be if any person sends by the said Railway any such goods without, at the time of sending the said goods, distinctly marking their nature on the outside of the package containing the same, and otherwise giving notice in writing to the bookkeeper or other servant of the Company with whom the same are left, he shall forfeit to the Company the sum of twenty dollars, for every such offence;

15. The Company may refuse to take any package or parcel which they suspect to contain goods of a dangerous nature, or may require the same to be opened to ascertain the fact.

**ACTIONS FOR INDEMNITY; AND FINES AND PENALTIES AND THEIR PROSECUTIONS.**

21. All suits for indemnity for any damage or injury sustained by reason of the Railway shall be instituted within six months next after the time of such supposed damage sustained, or if there be continuation of damage, then within six months next after the doing or committing such damage cease, and not afterwards; and the defendants may plead the general issue and give this Act and the Special Act and the special matter in evidence at any trial to be had thereupon, and may prove that the same was done in pursuance of and by authority of this Act and the Special Act;

1. All fines and forfeitures imposed by Part First of this Act or the Special Act, or by any By-law, except those for the levying and recovering of which special provision is herein made, shall be recovered in a summary manner before any one or more Justice or Justices of the Peace for the District, County or place where the act occurred;
2. All the fines, forfeitures and penalties, recovered under the next preceding paragraph the application whereof is not hereinbefore particularly directed, shall be paid into the hands of the Treasurer of the Company, to be applied to the use thereof;

3. Any contravention of this Act or of the Special Act by the Company or by any other party, for which no punishment or penalty is herein provided, shall be a misdemeanor, and shall be punishable accordingly; but such punishment shall not exempt the Company, if they be the offending party, from the forfeiture by this Act and the Special Act, of the privileges conferred on them by the said Acts, if by the provisions thereof or by law, the same be forfeited by such contravention.

GENERAL PROVISIONS.

25. 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 or others travelling on Her Majesty's service, shall at all times when required by the Postmaster-General of Canada, the Commander of the Forces, or any person having the superintendence and command of any Police Force, and with the whole resources of the Company if required, be carried on the Railway, on such terms and conditions, and under such regulations as the Governor in Council may make;

2. The Company shall, when required so to do by the Governor in Council, or any person authorized by him, place any Electric Telegraph, and the apparatus and operators they may have, at the exclusive use of the Government, receiving thereafter reasonable compensation for such service;

3. The Governor may, at any time, cause a line or lines of Electric Telegraph to be constructed along the line of the Railway, for the use of the Government, and for that purpose may enter upon and occupy so much of the lands of the Company as may be necessary for the purpose;

4. Any further enactments which the Parliament of Canada may hereafter make, for the carriage of the Mail or Her Majesty's Forces, and other persons and articles as aforesaid, or the tolls therefor, or in any way respecting the use of any Electric Telegraph or other service to be rendered to the Government, shall not be deemed an infringement of the privileges intended to be conferred by this Act or the Special Act;

5. No contracts for works of construction or maintenance of the Railway, except works of ordinary repair, or of immediate necessity, shall be entered into until after tenders for such works respectively have been invited by public notice therefor, given for at least four weeks in some newspaper published in the place nearest to that at which the work is required to be done, but the Company shall not be compelled to accept any such tender;

6. If the construction of the Railway be not commenced, and if ten per cent. on the amount of the capital be not expended thereon, within three years after the passing of the Special Act, or if the Railway is not finished and put in operation in ten years from the passing of such Special Act, the corporate existence and powers of the Company shall cease;

7. After the opening of the Railway or any part thereof to the public, and within the first fifteen days after the opening of each Session of Parliament, an account shall be annually submitted to the three branches containing a detailed and particular account, attested upon oath of the President, or in the absence of the Vice-President, of the moneys received and expended by the Company, and a classified statement of the passengers and goods transported by them, with an attested copy of the last annual statement;

8. No further provisions which Parliament may hereafter make with regard to the form or details of such account, or the mode of attesting or rendering the same, shall be deemed an infringement of the privileges hereby granted to the Company;

9. Parliament may at any time annul or dissolve any Corporation formed under this Act; but such dissolution shall not take away or impair any remedy given against any such Corporation, its Shareholders, officers or servants, for any liability which had been previously incurred;

10. Nothing herein contained shall affect in any manner the Saving of Her Majesty's Rights, such only excepted as are herein mentioned.

PART SECOND.

THE RAILWAY COMMITTEE.

23. The Governor-General may, from time to time, appoint Railway such Members of the Privy Council, to the number of four at least, as he may see fit, to constitute the Railway Committee.
24. The Railway Committee shall appoint one of its members to be Chairman, and the Deputy of the Minister of Public Works or some other fit person appointed by the Committee shall be the Secretary of the Committee.

25. No Railway or portion of any Railway shall be opened for the public conveyance of passengers until one month after notice, in writing of the intention to open the same has been given by the Company to whom the Railway belongs to the Railway Committee, and until ten days after notice in writing has been given by the Company, to the Railway Committee, of the time when the Railway or portion of Railway will be, in the opinion of the Company, sufficiently completed for the safe conveyance of passengers, and ready for inspection.

26. If any Railway or portion of a Railway be opened without such notices, the Company to whom such Railway belongs, shall forfeit to Her Majesty the sum of two hundred dollars for every day during which the same continues open, until the notices have been duly given and have expired.

27. The Railway Committee upon receiving such notification shall direct one or more of the engineers attached to the Department of Public Works, to examine the railway proposed to be opened, and all bridges, culverts, tunnels, road crossings and other works and appliances connected therewith, and also all engines and other rolling stock intended to be used thereon, and if the inspecting engineer or engineers report in writing to the Railway Committee that, in his or their opinion, the opening of the same would be attended with danger to the public using the same, by reason of the incompleteness of the works or permanent way, or the insufficiency of the establishment for working such Railway, together with the ground of such opinion, the Railway Committee, with the sanction of the Governor in Council, and so from time to time, as often as such Engineer or Engineers, after further inspection thereof, so report, may order and direct the Company to whom the Railway belongs to postpone such opening not exceeding one month at any one time, until it appears to the Committee that such opening may take place without danger to the public.

28. If any Railway, or any portion thereof, be opened contrary to such order or direction of the Railway Committee, the Company to whom the Railway belongs shall forfeit to Her Majesty the sum of two hundred dollars for every day during which the same continues open contrary to such order or directions.

29. No such order shall be binding upon any Railway when only such order to be binding on the report of the inspecting engineer or engineers on which the order is founded.

30. The Railway Committee, whenever they receive information to the effect that any bridge, culvert, viaduct, tunnel, or any other portion of any railway, or any engine, car, or carriage used or for use on any railway, is dangerous to the public using the same, from want of repair, insufficient or erroneous construction or from any other cause or whenever circumstances may arise which, in their opinion, render it expedient, may direct any engineer or engineers as aforesaid to examine and inspect the railway or any portion thereof or of the works connected therewith, or the engines and other rolling stock in use thereon or any portion thereof, and upon the report of the engineer or engineers may condemn the railway or any portion thereof, or any of the rolling stock or other appliances used thereon, and with the approval of the Governor in Council, may require any change or alteration therein in any part thereof, or the substitution of any new bridge, culvert, viaduct or tunnel, or of any material for the said Railway, and thereupon the Company to which such Railway belongs, or the Company using, running or controlling the same, shall, after notice thereof in writing signed by the Chairman of the Committee and countersigned by the Secretary thereof, proceed to make good or remedy the defects in the said portions of the Railway, or in the locomotive, car or carriage which have been so condemned, or shall make such change, alteration or substitution hereinbefore referred to as has been required in manner aforesaid by the Committee.

31. If in the opinion of any such Engineer, it is dangerous for trains or vehicles to pass over any Railway, or any portion thereof, until alterations, substitutions or repairs have been made thereon, or that any particular car, carriage or locomotive should be run or used, the said Engineer may forthwith forbid the running of any train or vehicle over such Railway or portion of Railway, or the running or using of any such car, carriage or locomotive, by delivering or causing to be delivered to the President, Managing Director, or Secretary or Superintendent of the Company owning, running or using such Railway, or to any Officer having the management or control of the running of trains on such Railway, a notice in writing to that effect with his reasons therefor, in which he shall distinctly point out the defects or the nature of the danger to be apprehended.

32. The Inspecting Engineer shall forthwith report the same to the Railway Committee, who, with the sanction of the Governor, must report to the Committee, who may
33. Any Engineer or Engineers so appointed as aforesaid to inspect any railway or works, may at all reasonable times, upon producing his authority, if required, enter upon and examine the said railway and the stations, fences or gates, road crossings, cattle guards, works and buildings; and the engines, cars and carriages belonging thereto.

34. Every Railway Company and the Officers and Directors thereof shall afford to the Inspecting Engineer or Engineers such information as may be within their knowledge and power in all matters inquired into by them, and shall submit to such Inspecting Engineer or Engineers all plans, specifications, drawings and documents relating to the construction, repair or state of repair of such railway or any portion thereof, whether a bridge, culvert or other part;

2. Any such Inspecting Engineer shall have the right, whilst engaged in the business of such inspection, to travel without charge on any of the ordinary trains running on the railway, and to use the telegraph wires and machinery in the offices of or under the control of any such Railway Company;

3. The operators or officers employed in the telegraph offices of or under the control of the Company, shall, without unnecessary delay obey all orders of any such Inspecting Engineer for transmitting messages, and any such operator or officer refusing or neglecting so to do, shall forfeit for every such offence the sum of forty dollars;

4. The authority of any such Inspecting Engineer shall be sufficiently evidenced by instructions in writing, signed by the Chairman of the Railway Committee and countersigned by the Secretary thereof.

35. The Governor in Council, upon the Report of the Railway Committee, may authorize or require any Railway Company to construct fixed and permanent bridges or to substitute such bridges in the place of the swing, draw or moveable bridges on the line of such Railway, within such time as the Governor in Council directs; and for every day after the period so fixed during which the Company uses such swing, draw or moveable bridges, the Company shall forfeit and pay to Her Majesty the sum of two hundred dollars; and it shall not be lawful for any Railway Company to substitute any swing, draw or moveable bridge in the place or stead of any fixed or permanent bridge already

36. In any case where a Railway is constructed or authorized to be constructed, across any turnpike road, street or other public highway, on the level, the Railway Committee, if it appears to them necessary for the public safety, may, with the sanction of the Governor in Council, authorize and require the Company to whom such Railway belongs, within such time as the said Committee directs, to carry such road, street or highway either over or under the said Railway, by means of a bridge or arch, instead of crossing the same on the level, or to execute such other works as under the circumstances of the case appear to the said Committee the best adapted for removing or diminishing the danger arising from such level crossing; and all the provisions of law at any such time applicable to the taking of land by Railway Companies and its valuation and conveyance to them, and to the compensation therefor, shall apply to the case of any land required for the construction of any works for effecting the alteration of such level crossing.

37. Whenever any level crossing on any Railway shall be out of repair, the Chief Officer of the Municipality, or other local division, having jurisdiction over the Railway so crossed, may serve a notice upon the Company in the usual manner, requiring the repair to be forthwith made; and if the Company shall not forthwith make the same, such officer may transmit a copy of the notice so served to the Secretary of the Railway Committee; and thereupon it shall be the duty of the Committee, with all possible despatch, to appoint a day for an examination into the matter; and shall by mail, give notice to such Chief Officer, and to the Company, of the day so fixed; and upon the day so named such crossings shall be examined by an Engineer appointed by the Railway Committee; and any certificate under his hand shall be final on the subject so in dispute between the parties; and if the said Engineer determines that any repairs are required, he shall specify the nature thereof in his certificate, and direct the Company to make the same; and the Company shall thereupon, with all possible despatch, comply with the requirements of such certificate; and in case of default the proper authority in the municipality or other local division, within whose jurisdiction the said crossing is situated, may make such repairs, and may recover all costs, expenses and outlays in the premises, by action against the Company in any Court of competent jurisdiction, as money paid to the Company’s use; Provided always that neither this section nor the Proviso any proceeding had theretofore shall at all affect any liability otherwise attaching to such Company in the premises.
38. The Railway Committee, or the Inspecting Engineer or Engineers, may limit the number of times or rate of speed of running of trains or vehicles, upon any railway or portion of railway, until such alterations or repairs as they or he may think sufficient have been made, or until such times as they or he think prudent; and the Company owning, running or using such Railway shall comply forthwith with any such Order of the Railway Committee or Inspecting Engineer, upon notice thereof as aforesaid; and for every act of non-compliance therewith, every Railway Company shall forfeit to Her Majesty the sum of two thousand dollars.

39. Every Railway Company shall, as soon as possible, and at least within forty-eight hours after the occurrence upon the Railway belonging to such Company of any accident attended with serious personal injury to any person using the same, or whereby any bridge, culvert, viaduct, or tunnel on or of the Railway has been broken or so damaged as to be impassable or unfit for immediate use, give notice thereof to the Railway Committee; and if any Company wilfully omits to give such notice, such Company shall forfeit to Her Majesty the sum of two hundred dollars for every day during which the omission to give the same continues.

40. No inspection had under this Act nor anything in this Act contained or done or ordered or omitted to be done or ordered under or by virtue of the provisions of this Act, shall relieve or be construed to relieve any Railway Company, or any liability or responsibility resting upon any of them, for any such act, neglect, or default, misfeasance, malfeasance or nonfeasance, of such Company, or in any manner or way to lessen such liability or responsibility, or in any way to weaken or diminish the liability or responsibility of any such Company under the laws in force in the Province in which such liability or responsibility arises.

41. Every Railway Company shall, as soon as possible after the receipt of any order or notice of the Railway Committee or Inspecting Engineer, give cognizance thereof to each of its officers and servants, in one or more of the ways mentioned in the fifty-second section of this Act.

42. All orders of the Railway Committee shall be considered as made known to the Railway Company by a notice thereof signed by the Chairman and countersigned by the Secretary of the Board, and delivered to the President, Vice-President, Managing Director, Secretary or Superintendent of the Company, or at the office of the Company; and orders of the Inspecting Engineer or Engineers shall be deemed to be made known to the Railway Company, by a notice thereof, signed by the engineer or engineers, and delivered as above mentioned.

43. Every Railway Company shall, within one month after the first days of January and July, in each and every year, make to the Railway Committee, under the oath of the President, Secretary or Superintendent of the Company, a true and particular return of all accidents and casualties (whether to life or property) which have occurred on the Railway of the Company during the half year next preceding each of the said periods respectively, setting forth:

1. The causes and natures of such accidents and casualties;
2. The points at which they occurred and whether by night or by day;
3. The full extent thereof, and all the particulars of the same;
4. Shall also at the same time return a true copy of the existing by-laws of the Company, and of their rules and regulations for the management of the Company and of their Railway.

44. The Railway Committee may order and direct, from Form to be time to time, the form in which such returns shall be made up, and may order and direct any Railway Company to make up and deliver to them from time to time, in addition to the said periodical returns, returns of serious accidents occurring in the course of the public traffic upon the Railway belonging to such Company, whether attended with personal injury or not, in such form and manner as the Committee deem necessary and require for their information with a view to the public safety.

45. If such returns so verified be not delivered within the Penalty for respective times herein prescribed or within fourteen days after the same have been so required by the Committee, every Company making default shall forfeit to Her Majesty the sum of one hundred dollars, for every day during which the Company neglects to deliver the same.

46. All such returns shall be privileged communications, Such returns to be privileged communications.

47. With respect to all Railways coming within the jurisdiction of the Parliament of Canada, to which the provisions of the Act extend.
pany shall give or continue any preference or advantage to, or favour.

out preference

return of carriages, trucks, and other vehicles; and no Com-

tramic to or worked by such Companies respectively, and for the

livering of traffic upon, and from the several Railways belong-

Railway Company, for the receiving and forwarding and do-

otherevery

purspective powers, afford all reasonable facilities to any other

Railway Company either in Canada or elsewhere, for the regulation and in-

regarding the traffic, to any prejudice or disadvantage in any respect

pany subject any particular Company or any particular descrip-

in favour of any particular Company, or any particular descrip-

in any way wilfully contravenes the provisions of the second

subsection of this section,—such first mentioned Railway Company, or

pany, or such officer, servant or agent, personally, shall, for
each such neglect or refusal, incur a penalty not exceeding
fifty dollars, over and above the actual damages sustained;
which penalty may be recovered with costs, in a summary way,
before any Justice of the Peace, by the Railway Company or
any other party aggrieved by such neglect or refusal, and to
and for the use of the Company, or other party so

2. But every Railway Company shall, according to their re-
spective powers, afford all reasonable facilities to any other
Railway Company, for the receiving and forwarding and de-
 deliver of traffic upon, and from the several Railways belong-
ing to or worked by such Companies respectively, and for the
return of carriages, trucks, and other vehicles; and no Com-
pany shall give or continue any preference or advantage to, or
in favour of any particular Company, or any particular descrip-
tion of traffic, in any respect whatsoever, nor shall any Com-
pany subject any particular Company or any particular descrip-
tion of traffic, to any prejudice or disadvantage in any respect
whatsoever;
49. The Justices of the Peace for any County in the Province of Ontario, Nova Scotia or New Brunswick, assembled at any General or Quarter Sessions of the Peace, and any Judge of the Court of Queen's Bench or Superior Court, or Clerk of the Peace, or Clerk of the Crown, or Judge of the Sessions of the Peace, in the Province of Quebec, on the application of the Board of Directors of any Railway Company whose Railway passes within the local jurisdiction of such Justices of the Peace, Judge, Clerk, or Judge of the Sessions of the Peace, as may be, or on the application of any Clerk or agent of such Company thereto authorized by such Board, may, in their or his discretion, appoint any persons recommended to them for that purpose by such Board of Directors, Clerk or Agent, to act as Constables on and along such Railway; and every person so appointed shall take an oath or make a solemn declaration in the form or to the effect following, that is to say:

I, A. B., having been appointed a Constable to act upon
and along (here insert the title of this Railway), under the provisions of
(here insert the title of this Act), do swear that I will well
and truly serve Our Sovereign Lady the Queen, in the said
office of Constable, without favour or affection, malice or ill-
will, and that I will, to the best of my power, cause the
peace to be kept, and prevent all offences against the peace,
and that while I continue to hold the said office, I will, to the
best of my skill and knowledge, discharge the duties thereof
faithfully, according to law. So help me God.

By whom to be administered.

Powers of such Constables, and to what localities they shall extend.

Duties and powers of such Constables.

By whom to be administered.

Powers of such Constables, and to what localities they shall extend.

Duties and powers of such Constables.

apprehending of offenders, as well by night as by day, and for doing all things for the prevention, discovery and prosecution of felonies and other offences, and for keeping the peace, which any Constable duly appointed has within his Constabulary; and it shall be lawful for any such Constable to take such persons as may be punishable by summary conviction for any offence against the provisions of this Act, or of any of the Acts or By-laws affecting any such Railway, before any Justice or Justices appointed for any county, city, town, parish, district, or other local jurisdiction within which any such Railway may pass; and every such Justice shall have authority to deal with all such cases, as though the offence had been committed and the person taken within the limits of his own local jurisdiction.

3. Any two Justices of the Peace, in either of the Provinces of Ontario, Nova Scotia or New Brunswick, and any Judge of the Court of Queen's Bench or Superior Court, or Clerk of the Peace, or Clerk of the Crown, or Judge of the Sessions of the Peace, in the Province of Quebec, may dismiss any such Constable, who may be acting within their several jurisdictions; and the Board of Directors of such Railway Company, or any Clerk or Agent of such Company thereto authorized by such Board, may dismiss any such Constable who may be acting on such Railway; and upon every such dismissal, all powers, protections and privileges belonging to any such person by reason of such appointment, shall wholly cease; and no person so dismissed shall be again appointed to act as a Constable for such Railway, without the consent of the authority by which he was dismissed.

4. Every such Railway Company shall cause to be recorded in the office of the Clerk of the Peace for every county, city, town, parish, district, or other local jurisdiction wherein such Railway or Railways may pass, the name and designation of every Constable so appointed at their instance, the date of his appointment, and the authority making it, and also the fact of every dismissal of any such Constable, the date thereof, and the authority making the same, within one week after the date of such appointment or dismissal, as may be; and every such Fee of the Clerk of the Peace shall keep such record in a book, to be open to public inspection, charging such fee or fees as the Railway Committee may from time to time authorize, and in such form as the Committee may from time to time direct.

5. Every such Constable who is guilty of any neglect or breach of duty in his office of Constable, shall be liable, on summary conviction thereof, within any county, city, district, or other local jurisdiction wherein such Railway may pass, to a penalty of not more than eighty dollars, the amount of which
penalty may be deducted from any salary due to such offender, if such Constable be in receipt of a salary from the Railway Company, or if imprisonment, with or without hard labour, for not more than two months, in the gaol of such county, city, district, or other local jurisdiction;

6. Every person who assaults or resists any Constable appointed as aforesaid, in the execution of his duty, or who incites any person, shall, for every such offence, be liable, on summary conviction, to a penalty of not more than eighty dollars, or to imprisonment, with or without hard labour, for not more than two months.

**GENERAL PROVISIONS.**

50. Every Railway Company shall make such by-laws, rules and regulations, to be observed by the conductors, engine-drivers and other officers and servants of the Company, and by all other Companies and persons using the Railway of such Company, and such regulations with regard to the construction of the carriages and other vehicles, to be used in the trains on the Railway of the Company, as are requisite for ensuring the perfect carrying into effect of the provisions of this Act, and the orders and regulations of the Railway Committee.

51. Any Railway Company may by a By-law impose upon any officer, servant, or person who before the contravention of such By-law has had notice thereof and is employed by the Company, a forfeiture to the Company of not less than thirty days' pay of such officer or servant, for any contravention of such By-law, and may retain any such forfeiture out of the salary or wages of the offender.

52. The notice of the By-law or of any order of notice of the Railway Committee, or of the Inspecting Engineer or Engineers, may be proved by proving the delivery of a copy thereof to the officer, servant or person, or that he signed a copy thereof, or that a copy thereof was posted in some place where his work or his duties, or some of them, were to be performed.

53. Such proof, with a proof of the contravention, shall be a full answer and defence for the Company in any suit for the recovery of the amount so retained, and such forfeiture shall be over and above any penalty under this Act.

54. No such Company shall cause any obstruction in or impede the free navigation of any river, stream or canal to or across or along which their Railway is carried.

55. If the Railway be carried across any navigable river or canal, the Company shall leave openings between the abutments or piers of their bridge or viaduct over the same, and shall make the same of such clear height above the surface of the water, or shall construct such draw bridge or swing bridge over the channel of the river, or over the whole width of the canal, and shall be subject to such regulations as to the opening of such swing bridge or draw bridge as the Governor in Council from time to time makes.

56. It shall not be lawful for any such Company to construct any wharf, bridge, pier or other work upon or over any navigable river, lake or canal, or upon the beach or bed of any lands covered with the waters thereof, until they have first submitted the plan and proposed site of such work to the Railway Committee, and the same has been approved; and no deviation from such approved site or plan shall be made without the consent of the Committee.

57. Nothing contained in the three next preceding sections of this Act shall be construed to limit or affect any power expressly given to any Railway Company by its Special Act of Incorporation or any Special Act amending the same.

58. In all cases where a Railway passes any Draw or Swing Bridge over a navigable river, canal or stream which is subject to be opened for the purposes of navigation, the Trains shall in every case be stopped at least three minutes, to ascertain from the Bridge Tender that the said bridge is closed and in perfect order for passing, and in default of so stopping during the full period of three minutes the said Railway Company shall be subject to a fine or penalty of four hundred dollars.

59. Every Railway Company which runs trains upon the railway, for the conveyance of passengers shall provide and use the best apparatus for communication between the conductors and engine-drivers of such trains while the trains are in motion, and good and sufficient means of applying the power of the steam engine or otherwise at the will of the engine-driver, or other person appointed to such duty, the brakes to the wheels of the locomotive or tender, or both, or of all or any of the cars or carriages composing the trains, and of disconnecting the locomotive, tender, and cars or carriages from each other by any such power or means, and also such apparatus and arrangements as best and most securely place and fix the seats or chairs in the cars or carriages, and shall alter such apparatus and arrangements or supply new apparatus and arrangements
60. Every Railway Company which fails to comply with any of the provisions contained in the next preceding section of this Act, shall forfeit to Her Majesty a sum not exceeding two hundred dollars for every day during which such default continues.

61. Every Railway Company shall station an officer at every point on their line crossed on a level by any other Railway, and no train shall proceed over such crossing until signal has been made to the Conductor thereof that the way is clear.

62. Every locomotive or Railway engine or train of cars, on any Railway on a level, be stopped for at least the space of one minute.

63. No locomotive or Railway engine shall pass in or through any thickly peopled portion of any City, Town or Village at a speed greater than six miles per hour, unless the track is properly fenced.

64. Whenever any train of cars is moving reversely in any City, Town or Village, the locomotive being in the rear, the Company shall station on the last car in the train a person who shall warn parties standing on or crossing the track of such Railway, of the approach of such train; and for any contravention of the provisions of this and the three next preceding sections the Company shall incur a penalty of one hundred dollars.

65. If the Railway Committee orders any Railway Company to erect at or near or in lieu of any level crossing of a turnpike road, or other public highway, a foot-bridge or foot-bridges over their Railway for the purpose of enabling persons passing on foot along such turnpike road or public highway to cross the Railway by means of such bridge or bridges, then, from and after the completion of such foot-bridge or foot-bridges so required to be erected, and while the Company keeps the same in good and sufficient repair, such level crossing shall not be used by foot passengers on the same turnpike road or public highway, except during the time when the same is used for the passage of carriages, carts, horses or cattle along the said road.

66. No horses, sheep, swine or other cattle, shall be permitted to be at large upon any highway within a half mile of the intersection of such highway with any Railway on grade, highway with

67. All cattle found at large in contravention of the last such cattle be impounded in the nearest pound to the place where the same are so found, and the pound-keeper with whom the same are so impounded shall detain the same in the like manner, and subject to the like regulations as to the care and disposal thereof, as in the case of cattle impounded for trespass on private property.

68. No person, any of whose cattle being at large, contrary to the provisions of section sixty-six, are killed by any train at such point of intersection, shall have any action against any Railway Company in respect to the same being so killed.

69. At every road and farm crossing on the grade of the Railway, the crossing shall be sufficiently fenced on both sides so as to allow the safe passage of the trains.

70. Every Railway Company shall cause all thistles and other noxious weeds growing on the cleared land or ground adjoining the Railway and belonging to such Company to be cut down and kept constantly cut down or to be rooted out of the same.

71. If any Railway Company fails to comply with the consequences of omitting to do so.

72. The interest of the purchase money or rent of any real property acquired or leased by any Railway Company, and the interest of the purchase money, together with the interest of the purchase money.
necessary to the efficient working of such Railway, and the price or purchase money of any real property or thing, without which the Railway could not be efficiently worked, shall be considered to be part of the expenses of working such Railway, and shall be paid as such out of the earnings of the Railway.

**Penal Clauses.**

2. Every person who, by any means or in any manner or way whatsoever, obstructs or interrupts the free use of the Railway, or the carriages, vessels, engines or other works incidental or relative thereto, or connected therewith, shall be guilty of a misdemeanor, and on conviction thereof, shall be punished by imprisonment in the common Gaol of the District or County, where the conviction takes place, for any term less than two years; or, in the Penitentiary, for a term not to exceed five years, and not less than two years;

3. All persons wilfully and maliciously, and to the prejudice of the Railway, breaking, throwing down, damaging or destroying the same, or any part thereof or any of the buildings, stations, depots, wharves, vessels, fixtures, machinery or other works or devices incidental or relative thereto, or connected therewith, or doing any other wilful hurt or mischief or wilfully or maliciously obstructing or interrupting the free use of the Railway, vessels, or works, or obstructing, hindering or preventing the carrying on, completing, supporting and maintaining the Railway vessels or works, shall be guilty of a misdemeanor, unless the offence committed amounts, under some other Act or Law, to a felony, in which case such person shall be guilty of a felony, and the Court by and before whom the person is tried and convicted, may cause such person to be punished in like manner as persons guilty of misdemeanor or felony, as the case may be, are directed to be punished by the laws in force in Canada.

And if such damage be actually done.

If the offence be a felony.

73. If any person wilfully and maliciously displaces or removes any Railway switch or rail of any Railway, or breaks down, rips up, injures or destroys any Railway track or Railway bridge or fence of any Railway or any portion thereof, or places any obstruction whatever on any such rail or Railway track or bridge, or does or causes to be done any act whatever whereby an engine, machine or structure, or any matter or thing appertaining thereto is stopped, obstructed, impaired, weakened, injured or destroyed, with intent thereby to injure any person or property passing over or along such Railway and if in consequence thereof any person be killed or his life be lost, such person so offending shall be guilty of manslaughter, and being found guilty, shall be punished by imprisonment in the Penitentiary for any period not more than ten nor less than four years.

74. If any person wilfully and maliciously displaces or removes any Railway switch or rail of any Railway, or breaks down, rips up, injures or destroys any Railway track or Railway bridge or fence of any Railway or any portion thereof, or places any obstruction whatever on any such rail or Railway track or bridge, or does or causes to be done any act whatever whereby an engine, machine or structure, or any matter or thing appertaining thereto is stopped, obstructed, impaired, weakened, injured or destroyed, with intent thereby to injure any person or property passing over or along such Railway and if in consequence thereof any person be killed or his life be lost, such person so offending shall be guilty of manslaughter, and being found guilty, shall be punished by imprisonment in the Penitentiary for any period not more than ten nor less than four years.

75. If any person wilfully and maliciously does or causes to be done, any act whatever whereby any building, fence, construction or work of any Railway, or any engine, machine or structure of any Railway, or any matter or thing appertaining to the same is stopped, obstructed, impaired, weakened, injured or destroyed, the person so offending shall be guilty of a misdemeanor, and be punished by imprisonment with hard labour not exceeding one year, in the Common Gaol of the Territorial Division in which the offence was committed or has been tried.

76. Every person who bores, pierces, cuts, opens, or otherwise injures any cask, box or package, containing wine, spirits or other liquors or any case, box, sack, wrapper, package or roll of goods, in, on or about any car, wagon, boat, vessel, warehouse, station-house, wharf, quay or premises or belonging to any such Railway Company, with intent feloniously to steal or otherwise unlawfully to obtain or to injure the contents, or any part thereof, or who unlawfully drinks, or willfully spills or allows to run to waste, any such liquors, or any part thereof, shall, for every such offence, be liable, on summary conviction before one or more Justices of the Peace, to a penalty of not more than twenty dollars, over and above the value of the goods or liquors so taken or destroyed, or to imprisonment, with or without hard labour, for not more than one month.

77.
Punishment of persons obstructing Inspectors in the execution of their duty.

77. Every person wilfully obstructing any Inspecting Engineer in the execution of his duty shall, on conviction before a Justice of the Peace having jurisdiction in the place where the offence has been committed, forfeit and pay for every such offence any sum not exceeding forty dollars, and in default of payment of any penalty so adjudged, immediately, or within such time as the said Justice of the Peace appoints, the same Justice, or any other Justice having jurisdiction in the place where the offender resides, may commit the offender to prison for any period not exceeding three months; but such commitment shall be determined on payment of the amount of the penalty; and every such penalty shall be returned to the next ensuing Court of General or of Quarter Sessions in the usual manner.

Punishment of officers, &c. contravening by-laws, &c.

78. If any officer or servant of, or person employed by any Railway Company, wilfully or negligently contravenes any By-Law or regulation of the Company lawfully made and in force, or any Order or Notice of the Railway Committee, or of the Inspecting Engineer or Engineers, of which a copy has been delivered to him, or has been posted up or open to his inspection in some place where his work or his duties, or any of them, are to be performed, then if such contravention causes injury to any property or to any person, or exposes any property or any person to the risk of injury, or renders such risk greater than it would have been without such contravention, although no actual injury occurs, such contravention shall be a misdemeanor, and the person convicted thereof shall in the discretion of the Court before whom the conviction is had, and according as such Court considers the offence proved to be more or less grave, or the injury or risk of injury to person or property to be more or less great, be punished by fine or imprisonment, or both, so as no such fine exceeds four hundred dollars, nor any such imprisonment the term of five years; and such imprisonment, if for over two years shall be in the Penitentiary.

Penalty in certain cases, and how recovered.

79. If such contravention does not cause injury to any property or person, nor expose any person or property to the risk of injury, nor make such risk greater than it would have been without such contravention, then the officer, servant or other person guilty thereof, shall thereby incur a penalty not exceeding the amount of thirty days' pay, nor less than fifteen days' pay of the offender from the Company; and such penalty shall be recoverable with costs before any one Justice of the Peace having jurisdiction where the offence has been committed, or where the offender is found, on the oath of one credible witness other than the informer.

1868.

80. One moiety of such penalty shall belong to Her Majesty for the public uses of Canada, and the other moiety of the same shall belong to the informer, unless he be an officer or servant of, or person in the employ of the Company, in which case he shall be a competent witness and the whole penalty shall belong to Her Majesty for the uses aforesaid.

81. The Company may in all cases under the three next preceding sections pay the amount of the penalty and costs, and recover the same from the offender or deduct it from his salary or pay.

APPLICATION OF PENALTIES.

82. All penalties recovered under this Act, in respect to the application of which no other provision is made, shall be paid to the Receiver General of Canada to the credit of “The Railway Inspection Fund.”

RAILWAY FUND.

83. Every Railway in Canada to which this Act applies, shall so soon as any portion thereof is in use, pay to the Receiver General an annual rate to be fixed by the Railway Committee not exceeding ten dollars per mile of Railway constructed and in use: such rate to be paid half-yearly on the first days of January and July in each year, and to form a special fund for the purposes of this Act, to be called “The Railway Inspection Fund.”

CERTAIN SECTIONS LIMITED.

84. In the constructions of the provisions of this Act, from and including section twenty-three, the expression “Railway Company” or “Company” shall include any person being the owner or lessee of or a contractor working any railway constructed or carried on under the powers of an Act of Parliament.

34 VICTORIA, CAP. XLIII.

An Act to enable certain Railway Companies to provide the necessary accommodation for the increasing traffic over their Railways, and to amend the Railway Act, 1868.

[Assented to 14th April, 1871.]

WHEREAS, it may happen that a Railway Company Preamble. whose Railway is subject to the Legislative authority of the Parliament of Canada, as connecting one Province in the Dominion with another or others, or as extending beyond the limits
limits of one Province, or as having been declared by Parliament to be for the general advantage of Canada, or for the advantage of two or more Provinces, may from the increase of the traffic on such Railway and those connected with it, require at certain stations or places, more ample space for the proper accommodation of such traffic and of the public, than they now possess, or than they can take or acquire under the Act or Acts incorporating or applying to such Company, and it is necessary in the public interest and for the extension of the commerce of the Dominion, that the most ample accommodation should be furnished for such traffic, and whereas it is also expedient to make certain amendments to The Railway Act, 1868; Therefore Her Majesty by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. Whenever any Railway Company subject for any of the causes mentioned in the preamble to the Legislative authority of the Parliament of Canada (and whether "The Railway Act, 1868," does or does not for other purposes apply to such Company or their Railway), requires at any station or place on the line of such Railway, more ample space for the convenient accommodation of the public and of the traffic on the Railway, than they then possess, or can take without the consent of the proprietors thereof, the Company may cause a plan to be made of the additional ground required at such station or place for the purposes aforesaid, not being in actual use for similar purposes by any other Railway Company, (and for the purpose of making such plan shall have the powers granted to Railway Companies for making surveys by the seventh section of "The Railway Act, 1868," and may transmit such plan to the Minister of Public Works, with an application (supported by affidavit) on behalf of the Company, referring to such plan and stating that certain ground shown thereon is necessary for the purposes aforesaid, and that no other ground suitable for the purpose can be acquired at such place on reasonable terms and with less injury to private rights, and requesting the Minister to authorize the taking thereof for such purpose under this Act, of which application ten days' notice shall be given to the owner or possessor of such property, and the correctness of the plan and the truth of the allegations in such application shall be certified by the President or one of the Directors of the Company, and by their Engineer, and such plan and statement shall be made and transmitted to the Minister in duplicate.

2. The Minister of Public Works shall enquire into the correctness of the plan and the truth of the allegations of the application aforesaid, and being satisfied thereof, shall grant a certificate to that effect, and declaring it to be necessary in the public interest, that the ground shown on such plan, or any less quantity, should be acquired by the Company; and such certificate shall be annexed to one of the duplicates of the said plan and statement, and the other duplicate shall remain in the office of the Minister.

3. Upon the granting of such certificate as aforesaid, by the Minister of Public Works, and by virtue thereof, the Company shall have power to take the ground shown on the said plan as required for the purposes aforesaid, without the consent of the proprietors, and the Company and all corporations or parties who could not otherwise convey the same to the Company, shall have, with respect to any such ground, all the powers granted by the ninth section of "The Railway Act, 1868," headed "Lands and their valuation," to Railway Companies, corporations, and parties who could not otherwise convey the same, with respect to lands which may be taken without the consent of the proprietors thereof; and the enactments and provisions of the said section, except such as refer to the map or plan and book of reference therein mentioned, or as limit the extent of land to be taken, shall apply and are hereby extended to the ground mentioned in the said certificate of the Minister of Public Works, and to all the proceedings connected with or consequent upon the acquiring or taking of such ground or any part thereof, with or without the consent of the proprietor; and if at any time thereafter the Company shall not require the whole or any portion of the land acquired under this Act for Railway purposes, then such land as is not so required shall be sold by auction after thirty days' notice thereof in any local newspaper.

4. Any such certificate as aforesaid, purporting to be signed by the Minister of Public Works, shall be received as authentic in all courts of law or equity, without proof of such signature or other evidence, unless its authenticity be called in question on behalf of the Crown.

5. Subsection four of section twenty of The Railway Act, 1868, is hereby amended, by adding thereto, after the word "Company" therein, the following words:

"From which action the Company shall not be relieved by any notice, condition or declaration, if the damage arises from any negligence or omission of the Company or of its servants."

6. It shall be the duty of every Railway Company, when any passenger train shall be overdue for half an hour at any station, according to the time table of such Company, to put up on the outside of the Station House over the platform of the station in some conspicuous place, a written or printed notice signed by the Station Master, stating to the best of his knowledge and belief, the time when such overdue train may be.
be expected to reach such station; and every Railway Company shall be liable to an action by any passenger awaiting the train at such station, for any neglect or omission of this duty, in which action full costs of suit may be recovered.

7. The provisions of this Act shall apply to every Railway Company heretofore, or which may be hereafter incorporated, and to every Railway heretofore constructed, or now in course of construction or hereafter to be constructed, as well as to those Railways and Railway Companies to which the said "The Railway Act, 1868," is by its provisions declared to be applicable.

36 VICTORIA. CAP. LXXX.

An Act to amend the general Acts respecting Railways.

[Assented to 23rd May, 1873]

IN amendment of the general Acts respecting railways, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. Each and every railway company heretofore incorporated or which may hereafter be incorporated, and subject to the jurisdiction of the Parliament of Canada, as well as the Government of Canada, with respect to all railways constructed by, or being the property or under the control of, the Dominion of Canada, shall have the right, on and after the first day of November in each year, to enter into and upon any lands of Her Majesty, or into and upon the lands of any corporation or person whatsoever, lying along the route or line of any railway, and to erect and maintain snow fences thereon, subject to the payment of such land damages (if any) as may be thereafter established, in the manner provided by law with respect to such railway, to have been actually suffered: Provided always, that any snow fences so erected shall be removed on or before the first day of April next following.

2. For the purpose of connecting any town, village, manufactury or manufactories, mine or mines, in the Dominion of Canada, with any railway owned or worked by any railway company whose line of railway is subject to the legislation of the Parliament of Canada, and for the purpose of giving increased facilities to business, it shall be lawful for any such railway company to build, make and construct sidings or branch lines not to exceed in any one case six miles in length; and for that purpose every such railway company shall have all the powers given them by "The Railway Act, 1868," with respect to their main lines; and each and all the provisions of the said Act, shall apply to every such siding or branch line, and the construction thereof, as well as to the main line.

3. Provided always that no railway company shall proceed to locate or build any branch line under this Act, until public notice shall have been given for six weeks, in some newspaper published in the county or counties through or in which such branch line is to be made, that it is the intention of such company to apply to the Governor in Council to sanction the building of such branch line, and to appropriate the necessary lands for that purpose under the compulsory powers in "The Railway Act, 1868," nor unless such company shall prior to the first publication of such notice have deposited in the Registry Office of the county within which the line is to be constructed, the map and plans indicating the location of the line; nor until such company shall have submitted the same to, and such plans shall have been approved by the Governor in Council at the expiration of the notice.

4. The order of the Governor in Council approving the construction of any such branch line shall limit the time, not exceeding two years from the date of such order, within which such company may exercise the powers hereunder given in respect of such line.

36 VICTORIA, CAP. LXXXI.

An Act to amend the Act, thirty-fourth Victoria, chapter forty-three, intituled "An Act to enable certain Railway Companies to provide the necessary accommodation for the increasing traffic over their Railways, and to amend the Railway Act, 1868."

[Assented to May 23rd 1873]

HER MAJESTY, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. The sixth section of the Act passed in the thirty-fourth year of Her Majesty's reign, chapter forty-three, is hereby repealed, and the following section is hereby substituted for it.

6.
"6. It shall be the duty of every railway company, upon whose road there is a telegraph line in operation, to have a blackboard put upon the outside of the Station House, over the platform of the station, in some conspicuous place, at each station of such Company at which there is a telegraph office; and when any passenger train is overdue for half an hour at any such station according to the time table of such Company, it shall be the duty of the Station Master or person in charge at such station to write or cause to be written with white chalk on such blackboard a notice in English and French in the Province of Quebec and in English in the other Provinces, stating to the best of his knowledge and belief the time when such overdue train may be expected to reach such station; and if when that time has come, the train has not reached the station, it shall be the duty of the Station Master or person in charge at the station to write or cause to be written in the blackboard in like manner, a fresh notice stating to the best of his knowledge and belief the time when such overdue train may then be expected to reach such station; and every such Railway Company, Station Master or person in charge at any such station shall be liable to a penalty not exceeding five dollars for any wilful neglect, omission or refusal to obey the provisions aforesaid; and any proceeding for the recovery of such penalty may be brought in the Province of Quebec before any two Justices of the Peace or before the Circuit Court of the District, or of the County in which district or county such Station is situated, and in the other Provinces before any two justices of the Peace, or the stipendiary or Police Magistrate for the City, Town, District or County in which such Station is situated; the penalty recoverable under the provisions of this section shall belong to the Crown, and every proceeding brought by virtue of this section shall be commenced within one month following the commission of the offence and not after; but nothing in this section shall prejudice the right of any person to the recovery of damages from any such Railway Company by reason of the detention of trains as aforesaid; and every such Railway Company is hereby required to have a printed copy of this section posted up in a conspicuous place at each of its Stations at which there is a telegraph office.

38 VICTORIA.

CHAP. 24.

An Act further to amend the General Acts respecting Railways.

[Assented to 8th April, 1875.]

HER MAJESTY, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The second, third and fourth sections of the Act passed in the thirty-sixth year of Her Majesty's reign, intituled "An Act to amend the General Acts respecting Railways," are hereby repealed, and the following sections shall be taken and read in lieu thereof:—

2. For the purpose of connecting any city, town, village, manufactory or manufactories, mine or mines, or any quarry or quarries of stone or slate, or any well or spring, with the Main Line of the Railway of the Company, or with any branch thereof, or with any railway worked or leased by the Company; and for the purpose of giving increased facilities to business, or for the purpose of transporting the products of any such manufactory, mine, quarry, well or spring, it shall be lawful for the Company to build, make and construct and to work and use, sidings, switches, or branch lines of railway, not to exceed in any one case six miles in length: Provided always, that the Company shall not proceed to locate or build any branch line of more than one quarter of a mile in length, under this section of this Act, until public notice shall have been given for six weeks, in some newspaper published in the County or Counties through or in which such branch line is to be made, that it is the intention of the Company to apply to the Governor in Council to sanction the building of such branch line, and to appropriate the necessary lands for that purpose, under the compulsory powers vested in them by this Act, or by any other Act in their behalf; nor unless the Company shall, prior to the first publication of such notice, have deposited in the Registry office of any city, county or part of a county in which the line or any part thereof is to be constructed, the maps and plans of said line and parts thereof.
plans indicating the location of the line; nor until the Company shall have submitted the same to, and such maps and plans shall have been approved by, the Governor in Council, after the expiration of the notice; And provided further, that the order of the Governor in Council, approving the said maps and plans, shall limit the time, not exceeding two years from the date of such order, within which the Company may construct such branch line.

Powers of the Company as to such branch lines

" 3. For any and every such purpose each and every company herein referred to shall have and may exercise all the powers given them with respect to their main line by the Act incorporating the Company, and the Acts amending the same, or relating to the Company, or the Act authorizing the construction of the main line, and 'The Railway Act, 1868,' and any Act amending the same; and each and all provisions of the said Acts which are applicable to such extension, shall extend and apply to every such siding, switch or branch line of railway."

Recital, 31 V., c. 65, s. 50.

" 2. And whereas by the fiftieth section of 'The Railway Act, 1868,' every Railway Company to which the said Act applies is empowered to make by-laws, rules and regulations for the purpose therein mentioned, but no sufficient power is given to enforce the same; Therefore be it enacted—

Sub-sections added. That the following shall be read as sub-sections of the said fiftieth section, that is to say:—

Altering By-laws.

(1.) The Company may, from time to time, repeal or alter such by-laws and make others, provided that such by-laws be not repugnant to the provisions of this Act or the Act incorporating the Company, or any Act or Acts amending any of them.

Form.

(2.) And such by-laws shall be reduced into writing and shall have affixed thereto the Common Seal of the Company.

Imposing penalties.

(3.) Any of the conductors, engine drivers, and other officers and servants of the Company or other Railway Companies using any railway, offending against any such by-law, shall forfeit for every such offence a sum not exceeding forty dollars, to be imposed by the Company in such by-law as a penalty for every such offence.

Summary interference allowed in certain cases.

(4.) If the infraction or non-observance of any such by-law, by any of the classes in the preceding sub-section mentioned, as aforesaid, be attended with danger or annoyance to the public, or hindrance to the Company in the lawful use of the railway, it shall be lawful for the Company summarily to interfere, using no violence or unnecessary force, to obviate or remove such danger, annoyance, or hindrance, and that without prejudice to any penalty incurred by the infraction of any such by-law.

(5.) No such by-law shall have force or effect until the Sanction of the same has been approved by the Governor in Council.

(6.) The substance of any such by-law, when approved as aforesaid, if it affects any officer or servant of the Company, may be proved by proving the delivery of a copy to or its receipt by such officer or servant; and if it affects any other Railway Company using the Railway, shall be painted on boards, or printed on paper and pasted on boards, and hung up and affixed, and continued on the front or other conspicuous part of every wharf or station belonging to the Company, according to the nature or subject matter of such by-laws respectively, and so as to give public notice thereof to the parties interested therein, or affected thereby; and such boards shall, from time to time, be renewed as often as the by-laws thereon or any part thereof shall be obliterated or destroyed; and no penalty imposed by any such by-law shall be recoverable unless the same shall have been published, and kept published in manner aforesaid.

(7.) Such by-laws, when so confirmed, shall be binding upon and be observed by all parties in the third sub-section mentioned, and shall be sufficient to justify all persons acting under the same; and for proof of the publication of any such by-laws affecting only any other Railway Company using the Railway it shall be sufficient to prove that a printed paper or painted board, containing a copy of such by-laws, was affixed and continued in manner by this Act directed, and in case of its being afterwards displaced or damaged then that such paper or board was replaced as soon as conveniently might be.

3. No Judge shall grant any warrant under sub-section twenty-eight of section nine of "The Railway Act, 1868," unless ten days previous notice of the time and place, when and where application for its granting will be made to him has been served upon the owner of the land, or the party empowered to convey the land, or interested in the land sought to be taken, or which may suffer damage from the taking of materials sought to be taken, or the exercise of the powers sought to be exercised, or the doing of the thing sought to be done, by the Railway Company; nor shall any Judge grant any such warrant except upon the Company giving security to his satisfaction, and in a sum larger than his estimate of the probable compensation and not less than double the amount mentioned in the notice served under sub-section twelve of the said section; and the cost of the application..."
application to and of any hearing before the Judge shall be borne by the Railway Company, unless the compensation awarded shall be less than they had declared their readiness to pay.

4. This Act, and the fiftieth section of "The Railway Act, 1868," as hereby amended, and section twenty of "The Railway Act, 1868," as amended by section five of the Act thirty-fourth Victoria, chapter forty-three, shall apply to every Railway Company heretofore incorporated, or which may hereafter be incorporated, and which is subject to the jurisdiction of the Parliament of Canada, as they shall also to the Governor in Council with respect to all railways constructed by, or under the control or management of the Government of Canada, or of any Minister or Department thereof, or being the property of the Dominion of Canada.
Chap. 25. Returns by Railway Companies.

And every company which causes the accounts of the company to be made up half yearly shall prepare the aforesaid returns of their capital, traffic and working expenditure for the preceding half year, in accordance with the said Schedule One, and in the same manner and form forward the same to the Minister of Public Works not later than three months after the end of the said half year:

Penalty for default.

Any company which fails to forward the said returns in accordance with the provisions of this section shall be liable to a penalty not exceeding ten dollars for every day during which such default continues.

Minister of Public Works may alter form.

The Minister of Public Works, with the consent of a company, may alter the said forms as regards such company for the purpose of adapting them to the circumstances of such company, or of better carrying into effect the objects of this section.

Weekly returns for publication shall be furnished by companies.

3. Every company shall weekly prepare returns of their traffic for the last preceding seven days in accordance with the form contained in Schedule Two to this Act, and a copy of such returns signed by the officer of the company responsible for the correctness of such return, shall be forwarded by the company to the Minister of Public Works within seven days from the day in each week to which the said returns shall have been prepared; and another copy of each of such returns signed by the same officer, shall be posted up by the company within the same delay, and kept posted up for seven days, in some conspicuous place in the most public room in the head office of the company in Canada, and so as the same can be perused by all comers; and free access thereto shall be allowed to all comers during the usual hours of business at such office on each day of the said seven not being a Sunday or holiday.

Penalty for default.

And every company which fails to forward the said weekly return to the Minister of Public Works, or which fails to post up and keep posted up a copy thereof as aforesaid, and allow free access thereto as aforesaid, shall be liable to a penalty not exceeding ten dollars for every day during which any such default continues.

Penalty for false return.

4. If any return which is required by this Act, is false in any particular to the knowledge of any person who signs the same, such person shall be liable, on conviction thereof, on indictment, to fine and imprisonment—such fine not to exceed two hundred and fifty dollars.

Report to Parliament.

5. The Minister of Public Works shall lay before both Houses of Parliament within twenty-one days from the commencement of each Session, the returns made and rendered to him, in pursuance of the second section of this Act.

6. All returns made in pursuance of any of the provisions of this Act, shall be privileged communications, and shall not be evidence in any court whatsoever.

7. This Act may be cited as "The Railway Statistics Act."
### Schedule One

**Return in pursuance of** by the Railway Company of their authorised Share and Loan Capital, and the sums received in respect of their Ordinary Capital and Preferential Capital, and Debenture Stock, or Funded Debt, on the 31st December, 18, specifying the rate per cent. of the Dividends for the year 18 on each of the said Capitals, showing also the Loans outstanding on the 31st December, 18, classified according to the several rates per cent. of interest, and the Capital subscribed to other undertakings, whether such undertakings are on Lease to, or worked by the subscribing Company, or are independent.

<table>
<thead>
<tr>
<th>Name of Company</th>
<th>Authorized Capital up to the 31st December, 18, including capital authorised as subscriptions to other undertakings, whether such undertakings are on lease to, or worked by the subscribing Company, or are independent.</th>
<th>Paid up Stock and Share Capital at 31st December, 18, including subscriptions paid up to other undertakings.</th>
</tr>
</thead>
<tbody>
<tr>
<td>£</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>By Shares</th>
<th>By Loans</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>£</td>
<td>£</td>
<td>£</td>
</tr>
</tbody>
</table>

### Capital raised by Loans and Debenture Stock at 31st December, 18.

<table>
<thead>
<tr>
<th>Loans</th>
<th>Rate of Interest</th>
<th>Debentures</th>
<th>Rate of Interest</th>
<th>Total raised by Loans and Debenture Stock at 31st Dec. 18</th>
<th>Subscriptions to other Companies</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>£</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Note

- This Return should be dated and signed by the officer or officers of the company responsible for its correctness.
- This should include all capital authorized to be raised by Acts of Parliament, or by Provincial Legislatures, but should not include capital authorized only for purposes which have lapsed by abandonment or otherwise.
- In cases where a subscription is authorised out of existing capital, no addition should be made in respect of it to the sum entered in this column, but only to the sum entered in the last column.
- Care should be taken not to confound debenture stock with ordinary debenture loans, and not to enter the same sums under both heads.

### Schedule Two

**Return of Traffic for week ending** Railway of Canada, 18, and the corresponding week, 18.

<table>
<thead>
<tr>
<th>Date</th>
<th>Passengers</th>
<th>Freight and Live Stock</th>
<th>Mails and Sundries</th>
<th>Total</th>
<th>Miles open</th>
</tr>
</thead>
<tbody>
<tr>
<td>18</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>18</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Increase**

<table>
<thead>
<tr>
<th>Date</th>
<th>Passengers</th>
<th>Freight and Live Stock</th>
<th>Mails and Sundries</th>
<th>Total</th>
<th>Miles open</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Decrease**

<table>
<thead>
<tr>
<th>Date</th>
<th>Passengers</th>
<th>Freight and Live Stock</th>
<th>Mails and Sundries</th>
<th>Total</th>
<th>Miles open</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Aggregate Traffic from...** 18....

<table>
<thead>
<tr>
<th>Date</th>
<th>Passengers</th>
<th>Freight and Live Stock</th>
<th>Mails and Sundries</th>
<th>Total</th>
<th>Miles open</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Note**

- This Return should be dated and signed by the officer or officers of the company responsible for its correctness.
- This should include all capital authorized to be raised by Acts of Parliament, or by Provincial Legislatures, but should not include capital authorized only for purposes which have lapsed by abandonment or otherwise.
- In cases where a subscription is authorised out of existing capital, no addition should be made in respect of it to the sum entered in this column, but only to the sum entered in the last column.
- Care should be taken not to confound debenture stock with ordinary debenture loans, and not to enter the same sums under both heads.

**Schedule**
An Act to prevent Cruelty to Animals while in transit by Railway or other means of conveyance within the Dominion of Canada.

[Assented to 8th April, 1875.]

WHEREAS the transportation of cattle, by railway or vessels for long distances without rest, food, or water is liable to cause suffering from hunger, thirst and fatigue, and whereas it is expedient to make provisions for the regulation of the transportation or conveyance of live stock over the lines of railway, and by vessels, within the Dominion of Canada: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. In this Act the term “Cattle” shall include any horse, mule, ass, swine, sheep, or goat, as well as any neat cattle or animal of the bovine species, and whatever be the age or sex of the animal, and by whatever technical or trivial name it may be known, and shall apply to one animal as well as many.

2. No railway company within the Dominion of Canada, whose railway forms any part of a line of road over which cattle are conveyed from one Province to another Province, or from the United States to or through any Province or from any part of a Province to another part of the same, nor the owner or master of any vessel, carrying or transporting cattle, from one Province to another Province, or within any Province, or from the United States through or to any Province, shall confine the same in any car, or vessel of any description, for a longer period than twenty-eight consecutive hours without unlading the same for rest, water and feeding for a period of at least five consecutive hours, unless prevented from so unlading and furnishing water and food by storm or other unavoidable cause or by necessary delay or detention in the crossing of trains. In reckoning the period of confinement, the time during which the cattle have been confined without such rest and without the furnishing of food and water, on any connecting railways or vessels...
vessels from which they are received, whether in the United States or in Canada, shall be included,—it being the intention of this Act to prevent their continuous confinement beyond a period of twenty-eight hours, except upon the contingencies hereinbefore stated.

3. Cattle so unloaded shall be properly fed and watered during such rest by the owner or person having the custody thereof, or in case of his default in so doing, then by the railway company or owner or master of the vessel transporting the same, at the expense of the owner or person in custody thereof; and the company, owner or master shall, in such case, have a lien upon such cattle for food, care and custody furnished, and shall not be liable for any detention of such cattle.

4. Where cattle are unladen from cars for the purpose of receiving food, water and rest, it shall be the duty of the Railway Company then having charge of the cars in which they have been transported, to clear the floors of such cars, and to litter the same properly with clean saw-dust or sand before reloading them with live stock, except during a period of frost.

5. Any railway company, owner or master of a vessel, having cattle in transit as aforesaid, who shall knowingly and wilfully fail to comply with the provisions contained in the second section of this Act, shall for each and every such failure to comply with its provisions, forfeit and pay as a penalty a sum not exceeding one hundred dollars for each case in which such provisions are disregarded: Provided however, that when cattle are carried in any car or vessel, in which they can and do have proper space and opportunity for rest and proper food and water, the foregoing provisions in the second section contained in regard to their being unladen shall not apply.

6. Any peace officer or constable may at all times enter on premises where he has reasonable grounds for supposing that any car, truck, or vehicle in respect whereof any company or person has failed to comply with the requirements of this Act, is to be found, or enter on board any vessel in respect whereof he has reasonable grounds for supposing that any company or person has on any occasion so failed; and if any person refuses admission to such peace officer or constable acting under this section, such person shall be deemed guilty of an offence against this Act.

7. If any person is guilty of any offence against this Act, as in the last preceding section mentioned, he shall, for every such offence, forfeit and pay such a sum of money not exceeding twenty dollars, nor less than five dollars, with costs, as to any one Justice of the Peace for the district, county or place in which the offence has been committed may seem meet.

8. The offender shall in default of payment be committed to the common jail or other place of confinement for the district, county or place in which the offence was committed, there to be imprisoned for any time not exceeding thirty days.

9. Nothing in this Act contained shall prevent or abridge any remedy by action against the offender or his employer where the amount of the damage is not sought to be recovered by virtue of this Act.

10. Every penalty recoverable under this Act shall belong to the Crown; and every proceeding for the recovery of such penalty shall be commenced within one month next after the committing of the offence.

11. Every offence against the seventh section of this Act may be prosecuted in the manner directed by the "Act respecting the duties of Justices of the Peace out of Sessions in relation to summary convictions and orders," so far as no provision is hereby made for any matter or thing which may be required to be done with respect to such prosecution; and all the provisions contained in the said Act shall be applicable to such prosecutions in the same manner as if they were incorporated in this Act.
INDEX.

A

Accidents, notice of, to be given to Railway Committee.................. 158
“ returns of, to be made and penalty for neglect 64, 159
Accounts, to be submitted to Legislature, &c .............................. 52, 153
“ to be rendered annually .................................................... 144
Action, by or against Railway Company ...........................................
“ limitation of................................................................. 47, 151
“ for obstructing free use of Railway ......................................... 47
“ for damaging Railway ........................................................... 47
“ fines, how recovered .......................................................... 47, 151
“ how applied ........................................................................ 48
“ when party may be committed, &c ........................................... 48
“ for contravention of Railway Act ............................................ 48, 152
“ for refusing to carry freight or passengers .................................. 49
“ passengers injured on platform have none .................................. 50, 150
“ for calls ............................................................................. 41, 145
“ for neglecting to keep grounds in order ...................................... 56
“ for cattle killed on track .......................................................... 166, 167
“ by Company for boring or cutting casks and packages .............. 71, 169
Agents of Canada Southern Railway in London and New York .......... 12
“ of Erie and Niagara Railway in London and New York ............. 92-3
Aid to “Canada Southern” by Bonus ............................................... 6-7
“ to Railways from Government of Ontario out of “Railway Fund” 75-78
Aliens, rights of, in “C. S. R.” ....................................................... 13
Alterations in plan or survey how to be filed .................................. 25
Amherstburgh, Branch to ............................................................. 2
“ By-Law of Corporation confirmed ............................................. 17
Anderdon, By-Law confirmed ......................................................... 17
Apparatus, best to be used on trains for communication ................. 63, 165
“ penalty for not using best ....................................................... 63-64, 166
Appeals from summary conviction ............................................... 48
Arbitration, when lands appropriated ............................................. 29-31
“ remedies by, extended ............................................................. 73
“ as to enhanced value of lands adjoining, when submission to ........ 80
“ under “Railway Act, 1868” ................................................... 132-5
Atlantic and Great Western Railway to have running powers over
“Erie and Niagara” ..................................................................... 97
INDEX.

B

Badges to be worn by servants of Companies ................. 49, 149
Baggage cars not to be in rear of passenger cars ............. 50, 150
Bertie, line to Sandwich or Windsor from .................. 2
" line through, from "Erie and Niagara" to "Canada Southern" 98
Bills and Notes, C. S. R. Co. may be parties to ............... 9
Bonds, "Erie and Niagara" .............................................. 4
" " C. S. R. Co." ......................................................... 6
Bonus, Municipalities may aid C. S. R. by ....................... 6
" to be deposited with Trustees ..................................... 7
" terms of trust arising from ....................................... 7
Branch Lines ............................................................. 54, 174-5
Bridges over Highways, &c ........................................... 34-5
" to be used by foot passengers ............................... 166
" general provisions respecting .................................. 56, 58
" draw, trains to stop before crossing .......................... 63, 165
" when condemned by Inspector ................................. 69
" over Detroit River ................................................... 99, 118
" over St. Clair River .................................................. 108, 118
Buffalo, line to ........................................................... 96
By-Laws, General Provisions respecting ......................... 48-9, 149
" " Returns of, to be made to Railway Committee .............. 159

C

Calls ................................................................. 41-3, 144-6
Canada, Debt to, from Municipalities not affected by Acts confirming
By-Laws ............................................................... 17
" " Canada Southern Railway Act, 1869 .......................... 5
" " " " short title of .................................................... 18
" " " 1872 ................................................................. 11
" " " 1873 ................................................................. 15
Cattle Guards ......................................................... 56-5, 183-9
Cattle on track ....................................................... 166-7
" " highways near track ............................................... 58
Certificate of Engineer on which to get Bonus ................. 10, 11
Changes in line ....................................................... 54
Charter "Erie and Niagara," conditions of ..................... 4
Chippewa, Railway to, from Fort Erie ......................... 82
Chatham, Branch line to ............................................. 11
Checks to Baggage .................................................... 49, 150
Clerk of the Peace to receive plans and surveys ............... 24, 127
Commissioners, Railway, Board of ......................... 64, 67
" " Railway Committee of Privy Council to have
same powers ........................................................... 160
Conductors, intoxication of, a misdemeanor ................... 50, 150
" " powers of ............................................................. 50, 150
Constables on Railways ............................................. 68, 70, 162-4
Conveyances, Erie and Niagara Extension Railway ........... 4

INDEX.

Conveyances, form of ............................................... 5
" " Fort Erie Railway .................................................. 82, 87
Corporation, Legislature may dissolve ......................... 53, 156
Crossings, signboards to be placed at ......................... 35
" " bell to be rung at .................................................. 50
" " when out of repair ............................................... 71
" further precautions at ............................................ 166
Crown, the rights of, not affected by "Railway Act" ........... 53, 153
" " Lands appropriated ................................................. 55

D

Damaging Railway .................................................... 168-9
Dangerous goods ....................................................... 52-3, 151
Debentures issued under "Railway Act" ......................... 45
" " forgery of, a felony ............................................... 53
Dereham By-Law confirmed ........................................ 16
Detroit River Railway Bridge Co., Act incorporating ......... 99
" " " " Act amending .................................................... 116
Deviation of more than one mile not allowed ................... 29
Directors of Erie and Niagara Railway Company ............ 2
" " Powers of ............................................................. 3
" " Qualifications and meetings of ................................. 3
" " General provisions respecting ................................. 38-41, 141-4
" " When officer of corporation to be one of the ................. 46
Dividends ................................................................... 48-4, 146-7

E

Elevators, &c, at Kingston, Oswego and Toronto ............... 96, 99
Elgin By-Law confirmed ............................................. 16
Enniskillen, line to River St. Clair from ......................... 11
" " Petrolia and Oil Springs from ................................. 15
" " Erie and Niagara Extension Railway Co.," Act incorporating 1
" " " " " short title ......................................................... 5
" " " " " time for completing ............................................ 4
" " " " " Act changing name ............................................ 6
" " Railway Co. Act, 1863 ............................................. 88
" " " " " (Amendments) ................................................... 98
" " Erie and Ontario Railway," connections with Fort Erie Railway Co. 82
" " " Sale of portion to "Erie and Niagara" ....................... 95
" " Erie" Railway of United States may run trains over Erie and
Niagara Railroad ....................................................... 97
Errors in name of owner of property ................................ 26
Evidence, copies of minutes to be prima facie ................. 49, 149
" " Accident returns not to be ......................................... 64, 159
" " Certified copies of By-Laws to be ............................... 48, 149
Expenses of working, interest to be considered part of ....... 75, 167-8
Extension of time, Municipalities aiding Railway may grant 12
" " to C. S. R. by Act of 1873 ......................................... 15
<table>
<thead>
<tr>
<th>INDEX.</th>
<th>PAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fences to be erected by Company along line</td>
<td>35, 138</td>
</tr>
<tr>
<td>liability until erected</td>
<td>36, 139</td>
</tr>
<tr>
<td>and roads to be kept in repair</td>
<td>53</td>
</tr>
<tr>
<td>exemption from liability for damage when erected</td>
<td>36, 139</td>
</tr>
<tr>
<td>snow</td>
<td>174</td>
</tr>
<tr>
<td>Fort Erie Railway Company, Act incorporating</td>
<td>81</td>
</tr>
<tr>
<td>Directors and Shareholders of</td>
<td>82, 83</td>
</tr>
<tr>
<td>name changed</td>
<td>89</td>
</tr>
<tr>
<td>line from, to Chippewa and Niagara</td>
<td>82, 90</td>
</tr>
<tr>
<td>Gauge of Erie and Niagara Railway Company</td>
<td>5</td>
</tr>
<tr>
<td>of C. S. R. may be determined by Directors</td>
<td>10</td>
</tr>
<tr>
<td>Gravel pits may be appropriated</td>
<td>13</td>
</tr>
<tr>
<td>“ rails may be laid to</td>
<td>14</td>
</tr>
<tr>
<td>Grounds around Station to be kept in order</td>
<td>55</td>
</tr>
<tr>
<td>“ action for neglecting to keep in order</td>
<td>56</td>
</tr>
<tr>
<td>Guards for protection of cattle</td>
<td>36, 139</td>
</tr>
<tr>
<td>Guarantee, powers of C. S. R. to</td>
<td>16</td>
</tr>
<tr>
<td>Highways, leave to carry line along</td>
<td>34, 138</td>
</tr>
<tr>
<td>Rail not to rise more than an inch on</td>
<td>34, 138</td>
</tr>
<tr>
<td>Bridges over</td>
<td>35, 138</td>
</tr>
<tr>
<td>Precautions when Railway crosses</td>
<td>35, 138</td>
</tr>
<tr>
<td>Cattle on, near track</td>
<td>58</td>
</tr>
<tr>
<td>General provisions respecting</td>
<td>56-8</td>
</tr>
<tr>
<td>Intercolonial Railway, application of Act of 1868 to</td>
<td>120-1</td>
</tr>
<tr>
<td>Inspection of Railways</td>
<td>65-7, 135-8</td>
</tr>
<tr>
<td>“ Fund therefor</td>
<td>67-8, 171</td>
</tr>
<tr>
<td>“ Punishment for obstructing</td>
<td>170</td>
</tr>
<tr>
<td>Interest to be considered part of working expenses</td>
<td>75, 137-8</td>
</tr>
<tr>
<td>Interpretation of words and expressions in “The Railway Act,”</td>
<td>19-21, 68</td>
</tr>
<tr>
<td>“ “ “ “ Railway Act, 1868”</td>
<td>121-3</td>
</tr>
<tr>
<td>Judge of County Court, when interested, who to act</td>
<td>72, 74, 132</td>
</tr>
<tr>
<td>Kettle Creek, location of bridge over, confirmed</td>
<td>17</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>INDEX.</th>
<th>PAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lands, extent to be taken for line specified</td>
<td>26, 129</td>
</tr>
<tr>
<td>“ “ of Beach, &amp;c. “ “</td>
<td>26, 129</td>
</tr>
<tr>
<td>“ and their valuation “ “</td>
<td>26, 129</td>
</tr>
<tr>
<td>“ who may convey “ “</td>
<td>27, 139</td>
</tr>
<tr>
<td>“ who may lease “ “</td>
<td>27, 139</td>
</tr>
<tr>
<td>“ how proprietors per indivis may convey “ “</td>
<td>28, 131</td>
</tr>
<tr>
<td>“ Notices, &amp;c., when appropriated “ “</td>
<td>28, 131</td>
</tr>
<tr>
<td>“ “ when owner absent, &amp;c. “ “</td>
<td>29, 132</td>
</tr>
<tr>
<td>“ Procedure when owner refuses Company’s offer</td>
<td>29-31, 132-5</td>
</tr>
<tr>
<td>“ Compensation for “ “</td>
<td>32</td>
</tr>
<tr>
<td>“ procedure when owner unknown or land encumbered, &amp;c. “ “</td>
<td>32, 136</td>
</tr>
<tr>
<td>“ how Corporations may dispose of “ “</td>
<td>130</td>
</tr>
<tr>
<td>“ in Quebec “ “</td>
<td>33, 136</td>
</tr>
<tr>
<td>“ held by Indians “ “</td>
<td>34, 137</td>
</tr>
<tr>
<td>“ required for increased traffic accommodation “ “</td>
<td>78, 80</td>
</tr>
<tr>
<td>“ held by the Crown “ “</td>
<td>34</td>
</tr>
<tr>
<td>“ certain conveyances of, declared valid “ “</td>
<td>73</td>
</tr>
<tr>
<td>“ appropriated for traffic purposes under 34 Vict., cap. 43 “ “</td>
<td>173</td>
</tr>
<tr>
<td>Lapse of Company’s powers “</td>
<td>52, 153</td>
</tr>
<tr>
<td>Lewiston, lands in may be purchased by “ E. &amp; N “</td>
<td>99</td>
</tr>
<tr>
<td>Line of Railway, changes in “ “</td>
<td>54</td>
</tr>
<tr>
<td>Locomotives to have bells or whistles “ “</td>
<td>50, 150</td>
</tr>
<tr>
<td>Mails, provisions respecting “ “</td>
<td>51, 152</td>
</tr>
<tr>
<td>Malden By-law confirmed “ “</td>
<td>16</td>
</tr>
<tr>
<td>Maps and profiles to be filed when line completed “ “</td>
<td>52</td>
</tr>
<tr>
<td>Meetings, general “ “</td>
<td>38-41, 141-4</td>
</tr>
<tr>
<td>Municipalities may take stock “ “</td>
<td>45</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>INDEX.</th>
<th>PAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Navigation not to be impeded “ “</td>
<td>164-5</td>
</tr>
<tr>
<td>Niagara Town may sell interest in Erie and Ontario Railway “ “</td>
<td>87-8</td>
</tr>
<tr>
<td>“ Railway from Fort Erie to “ “</td>
<td>90</td>
</tr>
<tr>
<td>“ stock in Erie and Niagara Railway “ “</td>
<td>95-6</td>
</tr>
<tr>
<td>Notice given by Secretary to be deemed notice by Directors “ “</td>
<td>49</td>
</tr>
<tr>
<td>Obstructing free use of railways “ “</td>
<td>168-9</td>
</tr>
<tr>
<td>Officials, Company may pass By-laws regulating “ “</td>
<td>63, 164</td>
</tr>
<tr>
<td>“ punishment for contravening By-laws “ “</td>
<td>170</td>
</tr>
<tr>
<td>Ontario, debt from Municipalities to, not affected by Acts confirming By-laws “ “</td>
<td>17</td>
</tr>
<tr>
<td>Opening of line, notice to be given, &amp;c. “ “</td>
<td>62-3, 154</td>
</tr>
<tr>
<td>“ may be postponed “ “</td>
<td>154</td>
</tr>
</tbody>
</table>
## INDEX.

### P

| Penal clauses in "Railway Act" | 59-62 |
| Penalties, how recovered and applied | 68, 171 |
| Plans and surveys, provisions respecting | 24-6, 126-9 |
| "Port Dalhousie and Thorold Railway," connection with, &c | 82 |
| Port Robinson, railway to, from Willoughby | 82, 97 |
| Powers, extraordinary, of C. S. R | 14 |
| " to guarantee, &c | 16 |
| " to close roads through station grounds | 18 |
| " of Companies incorporated under "The Railway Act" | 22-24 |
| " " " " The Railway Act, 1868" | 125-6 |
| " lapse of | 52, 153 |

### R

| Railway Act (General) | 18-68 |
| " " 1868 | 120-74 |
| " " short title of | 18 |
| " " " " Erie and Niagara " | 5 |
| " " " " C. S. R | 10 |
| Railway Committee of Privy Council | 153-4 |
| Railway Committee of Privy Council, general powers of | 155 |
| " " to have same powers as Board of Railway Commissioners under "Railway Act." | 160 |
| Rivers, railways crossing regulated | 56 |

### S

| Sandwich, line from Bertie to | 2 |
| Shares, nature and transfer of | 44-5, 147-8 |
| Shareholders | 46, 148 |
| " list to be entered in Book | 51 |
| Signboards to be placed over crossings | 35 |
| Snow fences, provisions respecting | 174 |
| South Norwich By-law confirmed | 16 |
| Special Act, Companies established by, shall be bodies corporate, &c | 22, 123 |
| St. Clair River, line from St. Thomas to | 6 |
| " " Emiskillen to | 11 |
| " " Railway Bridge and Tunnel Company | 108 |
| " " " Act amending | 118 |
| St. Thomas, railway through | 2 |

### T

| Taxation, Municipalities may exempt Company's property from | 9 |
| Telegraph wire, provisions respecting | 51, 152 |
| Tender, when work must be done by | 143 |
| Tolls, provisions respecting | 36-38, 139-41 |
| " Legislature may reduce | 52 |
| " By-laws regulating, to be approved by Governor in Council | 59 |
| Townsend, By-law confirmed | 16 |
| Track, walking or driving on, prohibited | 36, 139 |
| Traffic, arrangements between Companies | 55, 74, 75, 160-1 |
| " provisions for further accommodation by 35 Vict. cap 25 | 78-80 |
| " interpretation of word | 161 |
| " Act of 1871 respecting | 171 |
| Trains, to start regularly | 49, 149 |
| " time running through cities, &c | 166 |
| " when late, notice to be given and how | 173-176 |
| " general provisions regulating | 63-4, 165-7 |
| " Railway Committee may regulate speed of | 158 |
| Trusts, Company need not see to execution of | 51 |
| Tunnel, under River St. Clair | 109 |
| " " Detroit | 117 |
| Toronto, lands in, for Elevators, &c | 99 |

### W

| Warrant, of possession | 31, 135 |
| Welland County, branch line in, to Niagara River or to "Erie and Niagara Railway" | 15 |
| " time for construction of | 16 |
| Willoughby, line from to Port Robinson | 82, 97 |
| Works in connection with railways, tenders for | 153 |
| Working of railways, general provisions respecting | 62-4 149-51 |