

François Normand and Edouard Normand, discharged and not to be liable to repay to the Provincial Government the sum of £392 10s. so advanced to them, over and above the sum to which they were entitled.

Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Lower Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, "*An Act for making more effectual provision for the Government of the said Province of Quebec in North America,*" and to "make further provision for the Government of the said Province," and it is hereby enacted by the authority of the same, that the said François Normand and Edouard Normand, shall be and they are hereby discharged from their said obligation and shall not be liable to repay to the Provincial Government the said sum of three hundred and ninety-two pounds ten shillings, currency, so advanced to them over and above the sum to which they were entitled as aforesaid.

## C A P. LVIII.

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

[25th February, 1832.]

Preamble.

**W**HEREAS the facilitating and dispatching the carriage and conveyance of goods, passengers, &c. between the navigable waters of Lake Champlain and the River Saint Lawrence, opposite to the City of Montreal, by means of a Rail-road, will be of great public advantage, and will afford a more easy, cheap and expeditious conveyance for all goods, wares, commodities, passengers, &c. and generally increase the trade and commerce of this Province, and in other respects be of great public utility: And whereas the several persons hereinafter named are desirous, at their own costs and charges, to make and maintain the said Rail-road, but cannot effect the same without the aid and authority of the Provincial Parliament; wherefore for obtaining and perfecting the good effects and purposes aforesaid: Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Lower-Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, "*An Act for making more effectual provision for the Government of the Province of Quebec, in North-America,*" and to make further provision for the Government of the said Province;" And it is hereby enacted by the authority of the same, that that Horatio Gates, John Molson, the elder, Samuel Gerrard, Samuel Gale, Peter McGill, John Frothingham, Thomas Blackwood, Adam L. Macnider, Joseph Donegani,

A certain number of persons incorporated for making a Rail Road from Lake Champlain, to the River Saint Lawrence.

Donegani, John E. Mills, James Holmes, Jean D. Bernard, William Guild, James Logan, John M'Kenzie, William Peddie, Frederick Griffin, Benjamin Hart, Samuel A. W. Hart, Isaac Gregory, Benjamin Lewis, Abner P. Herley, George Johnson Holt, William Leontine Coits, Samuel M'Lure, George Brush, William Hedge, John Torrance, James Millar, William Edmonstone, Lewis Betts, Smith Sanborn, Campbell Sweeny, Benjamin Brewster, Cyrus Brewster, William Brewster, Joseph Shuter, Turton Penn, George Davies, Joseph Masson, Joseph T. Barrett, Jacques Antoine Cartier, Henry Joseph, the elder, Thomas Storrow Brown, Norman Williams, David Torrance, Louis Marchand, Cyrus Carlton, Stephen Field, Orlin Bostwick, Hosea B. Smith, Jason C. Pierce, Walter Benny, John Try, James Henderson, Jeth L. Weatherly, William Lyman, J. — Glennon, Robert Jones, Joshua Hobart, Roswell Corse, John Matthewson, Charles S. De-lorme, Charles Brooke, Edouard M. Leprohon, Tancred Bouthillier, Dwight P. Janes, Joshua Bell, Noah Shaw, William Spicer, William Freeland, John Thomson, William Forbes and Oliver Wait, together with such person or persons as shall under the provisions of this Act to become subscribers to and proprietors of any share or shares in the Rail-road hereby authorised to be made, and the several and respective heirs, executors, administrators, curators and assigns, being proprietors of any share or shares in the Rail-road hereby authorized to be made, are and shall be, and be united into a Company for the carrying on, making, completing and maintaining the said intended Rail-road, according to the rules, orders and directions hereinafter expressed, and shall for that purpose be one body politic and corporate of the name of "The Company of Proprietors of the Champlain and Saint Lawrence Rail-road;" and by that name shall have perpetual succession, and shall have a common seal; and by that name shall and may sue and be sued, and also shall and may have power and authority to purchase lands, tenements and hereditaments for them and their successors and assigns, for the use of the said Rail-road, without His Majesty's *Lettres d'Amortissement*; saving nevertheless to the Seigneur or Seigniors within whose *censive* the lands, tenements and hereditaments so purchased may be situate, his and their several and respective *droits d'indemnité*, and all other Seigniorial rights whatever, and also to sell any of the said lands, tenements and hereditaments purchased for the purposes aforesaid, and any person or persons, bodies politic or corporate, or communities may give, grant, bargain, sell or convey to the said Company of Proprietors any lands, tenements or hereditaments for the purposes aforesaid, and the same may re-purchase of the said Company without *Lettres d'Amortissement*, and the said Company of Proprietors and their successors and assigns shall be, and are hereby authorized and empowered from and after the passing of this Act, by themselves, their deputies, agents, officers, workmen, and servants to make and complete a Rail-road, to be called the "Champlain and Saint Lawrence Rail-road," from, at or near the Village of Dorchester, commonly called Saint John's, in the District of Montreal, in as direct a line as may be found practicable,

Proviso.

cable, and as local situation as circumstances and the nature of the ground will admit, to the River Saint Lawrence, opposite or nearly opposite to the City of Montreal: Provided always, that the commencement of the said Rail-road from, at or near Dorchester aforesaid, shall not be at a greater distance from the lower extremity of the Port thereof upwards, than half a mile; and provided also that the termination of the said Rail-road on the River Saint Lawrence shall be at the Village of Laprairie inclusively, or at some point between the Village of Laprairie and the head or upper end of the Island of Saint Helens; and for the purposes aforesaid the said Company of Proprietors, their deputies, servants, agents and workmen, are hereby authorized and empowered to enter into and upon the lands and grounds of the King's Most Excellent Majesty, or of any person or persons, bodies politic, corporate or collegiate, or communities whatsoever, and to survey and take levels of the same, or any part thereof, and to set out and ascertain such parts thereof as they shall think necessary and proper for making the said intended Rail-road, and all such other works, matters and conveniences as they shall think proper and necessary for making, effecting, preserving, improving, completing, maintaining and using the said intended Rail-road and other works, and also to bore, dig, cut, trench, get, remove, take, carry away, and lay earth, clay, stone, soil, rubbish, trees, roots of trees, beds of gravel or sand, or any other matters or things which may be dug or got in making the said intended Rail-road or other works, or out of the lands or grounds of any person or persons adjoining or lying convenient thereto, and which may be proper, requisite, or necessary for making or repairing the said intended Rail-road, or works incidental or relative thereto, or which may hinder, prevent or obstruct the making, using or completing, extending or maintaining the same respectively, according to the intent and purpose of this Act; and to make, build, erect and set up in or upon the said intended Rail-road, or upon the lands adjoining or near the same respectively, such and so many houses, warehouses, toll-houses, watch-houses, weighing beams, cranes, fire engines, steam engines, or other engines, either stationary or locomotive, inclined planes, machines, and other works, ways, roads and conveniences, as and when the said Company of Proprietors shall think requisite and convenient for the purposes of the said Rail-road; and also from time to time to alter, repair, divert, widen, enlarge and extend the same, and also to make, maintain, repair and alter any fences or passages over, under or through the said intended Rail-road, and to construct, erect and keep in repair any piers, arches, and other works, upon and across any rivers or brooks for the making, using, maintaining and repairing the said intended Rail-road; and to construct, erect, make and do all other matters and things which they shall think convenient and necessary for the making, effecting, extending, preserving, improving, completing, and easy using of the said intended Rail-road and other works, in pursuance of, and according to the true intent and meaning of this Act; they the said Company of Proprietors, doing as little damage as may be in the execution of the several powers to them hereby granted, and making satisfaction in manner

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

Company by a sworn Surveyor and Engineer to take Surveys and levels of the lands, thro' which the Rail Road is to be carried.

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

When the Rail Road crosses any Highway, the ledge of such Railway not to rise nor sink, more than one inch.

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

The Company when they build a Bridge for the purpose of carrying the Rail Road over or across any Highway, the space of the arch to be of certain dimensions.

IV. Provided always, and be it further enacted by the authority aforesaid, that where any Bridge shall be erected or made by the said Company, for the purpose of carrying the said rail-way over or across of any public highway the space of the arch of any such Bridge shall be formed and shall at all times be and be continued of such breadth as to leave a clear and open space under every such arch of not less than fifteen feet, and of a height from the surface of such public highway to the centre of such arch of not less than sixteen feet, and the descent under any such Bridge shall not exceed one foot in thirteen feet.

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

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

Company to establish Gates, where Railway shall cross a public Highway.

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

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

VII. And be it further enacted by the authority aforesaid, that the said Company of Proprietors, in making the said intended Rail-road, shall not deviate more than two arpents from the course or direction delineated in the said map or plan, and set forth in the said book of reference, nor cut, carry, place, lay down, or convey the said Rail-road into, through, across, under or over any part or parts of the several estates, lands or grounds now or late belonging or reputed to belong to the said several and respective persons named or described in the said book of reference, other than such part or parts as are mentioned in the said book of reference in that behalf, (save in such instances only as are particularly hereby provided

provided for,) without the approbation and consent in writing, signed by the person or persons for the time being, entitled to the rents and profits of such estates, lands or tenements respectively.

Company may make their intended Rail Road, across the grounds land over the lands of any person whatsoever.

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

But not to exceed twenty yards in breadth.

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

Exception.

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

X. And be it further enacted by the authority aforesaid, that after any lands or grounds shall be set out and ascertained in manner aforesaid, for making and completing the said Rail-road and other works, and other the purposes and conveniences hereinbefore mentioned, it shall and may be lawful for all bodies politic, corporate, or collegiate, corporations aggregate or sole communities, guardians, curators, executors, administrators, and all other trustees or persons whatsoever, not only for and on behalf of themselves, their heirs and successors, but also for and on behalf of those whom they represent, whether infants, issue unborn, lunatics, idiots, *femmes couvertes* or other person or persons who are or shall be seized, possessed of or interested in any lands or grounds which shall be so set out and ascertained as aforesaid, or any part thereof, to contract for, sell and convey unto the said company of Proprietors

proprietors their successors or assigns, all or any part of such lands or grounds which shall from time to time be set out and ascertained as aforesaid; and that all contracts, agreements, sales, conveyances and assurances so to be made, shall be valid and effectual in law to all intents and purposes whatsoever, any law, statute, usage or custom to the contrary thereof in any wise notwithstanding: And all bodies politic, corporate, or collegiate, or communities, and all persons whatsoever, so conveying as aforesaid, are hereby indemnified for what he she, or they or any of them shall respectively do by virtue or in pursuance of this Act; and that all such contracts, agreements, sales, conveyances and assurances or notarial copies thereof, shall, at the expense of the said Company of Proprietors and their successors, be deposited in the office of the Prothonotary of the Court of King's Bench for the District of Montreal, and true copies thereof shall be allowed to be good evidence in all Courts whatsoever.

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

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

When the Company have made their Map and Plan and that the same has been deposited, according to this Act, the Company to apply to the owners of the lands through which the Rail Road is to be carried touching the compensation to be paid for the same.

XII. And be it further enacted by the authority aforesaid, that as soon as the said map or plan, and book of reference shall have been made and deposited as aforesaid, it shall then be lawful for the said Company of Proprietors to apply to the several owners of the estates, lands and grounds through which such Rail-road is intended to be carried, and to agree with such owners respectively, touching the compensation to be paid to them by the said Company of Proprietors for the purchase thereof, and for their respective damages; and in case of disagreement between the said Company, and the said owners, or any of them—then all questions which shall arise between the said Company and the several Proprietors of and persons interested in any estates, lands or grounds that shall or may be taken, affected, or prejudiced by the execution of any of the powers hereby granted, or any indemnification for damages which may or shall be at any time or times sus-  
tained

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



How disputes where a verdict is given for more money as indemnification than has been previously offered by the Company, are to be settled.

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

Persons not satisfied with the compensation granted or for the amount of annual rent, fixed by the Jury, such persons making complaint and requesting a Jury, to enter into a bond to prosecute his complaint and to bear all the costs and expenses in summoning the Jury and taking such inquest.

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

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

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

hereditaments or property respectively may be entered upon and taken possession of by the said Company of Proprietors, and applied to the purpose of making and maintaining the said Rail-road and other works and conveniences thereunto appertaining.

All agreements, sales, &c. to be kept by the Prothonotary of the Court of King's Bench at Montreal.

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

All applications for indemnity for any damage done, under this Act to be made within a certain time.

XVII. And be it further enacted by the authority aforesaid, that application to the said Court for indemnity for any damage or injury sustained by reason of the powers and authority given by this Act, shall be made within six calendar months next after the time of such supposed damage sustained, or in case there shall be a continuation of damage, then within six calendar months next after the doing or committing such damage shall cease, and not afterwards; and the Defendant or Defendants

Defendants shall and may plead the general issue and give this Act and the special matter in evidence at any trial to be had thereupon, and may aver that the same was done in pursuance and by authority of this Act.

Penalty on persons obstructing the free use of the Rail Road.

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

Penalty on persons breaking down or damaging the Rail Road or any Houses.

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

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

XX. And to the end that the said Company of Proprietors may be enabled to carry on so useful an undertaking, be it enacted by the authority aforesaid, that it shall and may be lawful to and for the said Company of Proprietors and their successors, to raise and contribute among themselves, in such proportions as to them shall seem meet and convenient, a competent sum of money for the making and completing the said Rail-road, and all such other works, matters and conveniences as may be found necessary for making, effecting, reserving, improving, completing, maintaining and using the said Rail-road and other works; Provided always that the members of the said Corporation, whose names are hereinbefore mentioned shall cause books of subscription to be opened in the said City of Montreal, for receiving the signatures of persons willing to become subscribers to the said undertaking

Provide.

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

Proviso.

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

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

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

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

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

Votes of Proprietors according to the number of their shares.

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

For one share and not more than two..... one vote.

For every two shares above two and not exceeding ten..... one vote.

Making five votes for ten shares.

For every four shares above ten and not exceeding thirty..... one vote.

Making ten votes for thirty shares.

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

than twenty-five votes; and all proprietors of shares, resident within the Province or elsewhere, may vote by proxy, if he, she or they shall see fit, provided that such proxy do produce from his constituent or constituents, an appointment in writing, in the words or to the effect following, that is to say:—

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

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

No proprietor unless a natural born subject or naturalized to be President,

Treasurer, Secretary or Member of a Committee of the said Corporation.

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

The first general meeting of the proprietors to be held at the court house in the City of Montreal.

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

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

Proviso.

No Member of a Committee, except the Chairman to have more than one vote.

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

Proviso.

No person holding an office, &c. under

XXVII. Provided always, and be it further enacted by the authority aforesaid, that no person holding any office, place or employment, or being concerned or interested

the company  
to be chosen a  
member of the  
committee.

interested in any contract or contracts under the said Company shall be capable of being chosen a member of the Committee for managing the affairs of the said Company.

General meet-  
ing may call  
and settle all  
accounts of  
money laid  
out and dis-  
bursed on ac-  
count of the  
said undertak-  
ing.

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

Proviso.



shares in the said undertaking, and all the profit and benefit thereof; all which forfeitures shall go to the rest of the Company of Proprietors of the said undertaking, their successors and assigns, in trust for, and for the benefit of the said proprietors in proportion to their respective interests.

No advantage to be taken of any forfeiture of any shares of the said undertaking, unless forfeited at some general meeting of the said Company of Proprietors.

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

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

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

change or alteration shall be made to the same, and the said rules, by-laws, and orders, so made and published as aforesaid, shall be binding upon and observed by all parties, and shall be sufficient in any Court of law or equity to justify all persons who shall act under the same.

Proprietors of  
the said Rail  
Road may dis-  
pose of their  
shares.

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

Form of the  
sale of the  
shares.

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

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

Company may  
appoint a  
Treasurer and  
Clerk, &c.

XXXIII. And be it further enacted by the authority aforesaid, that it shall and may be lawful to and for the said company of proprietors, and they are hereby authorized from time to time to nominate and appoint a Treasurer or Treasurers, and a Clerk or Clerks to the said company, taking such security for the due execution of their respective offices as the said Company of proprietors shall think proper; and such Clerk shall in a proper book or books enter and keep a true and perfect

perfect account of the names and places of abode of the several proprietors of the said Rail-road or undertaking, and of the several persons who shall from time to time become owners and proprietors of, or entitled to any share or shares therein, and of all the other acts, proceedings and transactions of the said Company of proprietors and of the Committee for the time being, by virtue of and under the authority of this Act.

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

The Rates.

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

Amount of the profit of the said undertaking, to be annually made up and balanced at certain periods.

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

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

Proviso.

After the expiration of the first entire year ending 30th of November after the said Rail-road is completed, the several rates to be yearly regulated by the amount of dividends declared in the preceding year.

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

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

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

XXXVIII.

Company of proprietors may at a general meeting make by-laws for fixing the price for the carriage of parcels on the Rail-road.

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

Company of proprietors after six months to divide the land taken from the lands adjoining the Rail-road with fences to keep off cattle.

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

The company to have the Rail-road measured and stones with proper inscriptions to be placed on the same, denoting the distances.

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

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

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

Company of  
proprietors  
may compell  
the persons  
subscribing to  
pay the  
amount of  
their shares.

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

Forfeitures  
under this Act  
how to be re-  
covered and  
applied.

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

Persons ag-  
grieved may  
appeal to the  
Justices of the  
Peace at the  
General Ses-  
sions.

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

Limitation of  
actions.

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

Company may  
take so much  
of the land  
covered with  
the waters of  
the River Ri-  
chellieu and  
waters of the  
Saint Law-  
rence for the  
use of the said  
Rail-road.

Proviso.

XLVI. And be it further enacted by the authority aforesaid, that it shall and may be lawful for the said company of proprietors in constructing and making the said Rail-road, to take and appropriate for the use of the same, so much of the land covered with the waters of the River Richellieu or of the land covered with the waters of the River Saint Lawrence, or of their respective beds, as may be found necessary for the making and completing, or more conveniently using the same, and thereon to erect such wharves, quays, inclined planes, cranes and other works, as to the said company shall seem meet: Provided always, that nothing herein contained shall extend or be construed to extend to authorise the company of proprietors to take or appropriate for the use of the said Rail-road or in constructing or making the same; any part of bank of the said Richellieu or of the land covered with the said Richellieu within the distance of one thousand four hundred feet English measure above the bridge across the said River Richellieu at the said Port of Dorchester or Saint John, unless with the approbation and consent of the Commissioners appointed under an Act passed in the third year of the Reign of His late Majesty King George the Fourth, chapter forty-one, for making a nivable canal from at or near the said Town of Saint John to the Basin of Chambly.

XLVII.

Rail-road to be completed within a certain time—and the book and plan to be prepared and be deposited of record.

If not completed within the time this Act to be void.

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

Company annually to submit to the Legislature a detailed account with a statement of the amount of tonnage and passengers conveyed along the said Road.

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

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

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

XLIX. And be it further enacted by the authority aforesaid, that the said company shall annually submit to the three branches of the Legislature within the first fifteen days after the opening of each Session of the Provincial Parliament a detailed and particular account attested upon oath of the monies by them received and expended under and by virtue of this Act, with a statement of the amount of tonnage and of passengers that have been conveyed along the said Road.

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



Public Act.

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

C A P. LIX.

AN Act to encourage the establishment of Banks for Savings in this Province.

[25th February, 1832.]

Preamble.

**W**HEREAS certain provident Institutions or Banks for Savings have been established in this Province, for the safe custody and increase of small saving belonging to the industrious classes of His Majesty's subjects, and it is expedient to give protection to such institutions and the funds thereby established, and to afford encouragement to others to form the like institutions: Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Lower Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, "*An Act for making more effectual provision for the Government of the Province of Quebec, in North America,*" and to make further provision for the Government of the said Province;" and it is hereby enacted by the authority of the same, that if any number of persons, who have formed or shall form any society in any part of this Province for the purpose of establishing and maintaining any institution in the nature of a Bank to receive deposits of money for the benefit of the persons depositing the same, and to accumulate the produce of so much thereof as shall not be required by the depositors, their executors or administrators to be paid in the nature of compound interest, and to return the whole or any part of such deposit, and the produce thereof to the depositors, their executors or administrators, deducting only out of such produce so much as shall be required to be so retained for the purpose of paying and discharging the necessary expenses attending the management of such institution, according to such rules, orders and regulations as shall have been or shall be established for that purpose, but deriving no benefit whatsoever from any such deposit or the produce thereof, shall be desirous of having the benefit of the provisions of this Act, such persons shall cause the rules, orders and regulations established or to be established for the management of such institution to be entered,

Any number of persons forming any Society for the purpose of instituting a Bank for Savings desirous of having the benefit of this Act, such persons to cause the rules, &c. established for the management of such institution to be entered, deposited and filed in manner directed by this Act.