

Ordained and Enacted by the authority aforesaid, and passed in Special Council, under the Great Seal of the Province, at the Government House, in the City of Montreal, the Twenty-sixth day of June, in the fourth year of the Reign of Our Sovereign Lady Victoria, by the Grace of God, of Great Britain and Ireland, Queen, Defender of the Faith, and so forth, and in the year of Our Lord one thousand eight hundred and forty.

By His Excellency's Command,

W. B. LINDSAY,

Clerk Special Council.

CA P. XLVI.

An Ordinance for making a Rail-Road from Carillon to Grenville.

Preamble.

WHEREAS the several persons hereinafter mentioned have by their Petition, represented the public advantages which would arise from the construction of a Rail-road from Carillon, on the River Ottawa, to Grenville also on the said River, so as to facilitate the carriage of passengers, goods, wares and merchandize between that part of the said River lying below the Rapids of the *Long Sault* and that part thereof lying above the same, and thereby to promote and encourage the trade and intercourse between the City of Montreal and those places in this Province lying above the said Rapids, and also between this Province and the Province of Upper Canada; and have by the said Petition prayed to be incorporated, and that divers powers and privileges may be granted to them for the purpose of enabling them to construct such Rail-Road; and whereas it is expedient to grant the prayer of the said petitioners, subject to the enactments, provisions and limitations hereinafter set forth and contained:—Be it therefore Ordained and Enacted by His Excellency the Governor of this Province of Lower Canada, by and with the advice and consent of the Special Council for the affairs of this Province, constituted and assembled by virtue and under the authority of an Act of the Parliament of the United Kingdom of Great

Great Britain and Ireland, passed in the first year of the Reign of Her present Majesty, intituled, “ *An Act to make temporary provision for the Government of Lower Canada;*” and also by virtue and under the authority of a certain other Act of the same Parliament, passed in the Session held in the second and third years of the Reign of Her present Majesty, intituled, “ *An Act to amend an Act of the last Session of Parliament, for making temporary provision for the Government of Lower Canada;*” and it is hereby Ordained and Enacted by the authority of the same, and by virtue of the powers in them vested by the said Acts of Parliament, that Charles John Forbes, Edward Jones, John Lee, William Smith, Charles Forbes, junior, William Jameson, Joseph Abbott, Horace Lee Forbes, Arthur Lloyd, George Morrison, and such others as may hereafter, under the provisions of this Ordinance, become subscribers to, and proprietors of any share or shares in the Rail-road hereby authorized to be made, and their several and respective heirs, executors, administrators, curators and assigns, being proprietors of any share or shares in the said Rail-road, shall be and are hereby constituted a corporation, body politic and corporate, for the making, completing, carrying on and maintaining the said Rail-road according to the provisions and enactments of this Ordinance, by and under the name and style of “ *The Company of Proprietors of the Upper and Lower Ottawa 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, construct or hire wharves, store houses or other buildings for the convenience of themselves, their successors and assigns for all useful purposes connected with the said Rail-road, without Her Majesty’s *Lettres d’amortissement*, and for the purposes aforesaid, the said company of proprietors, their deputies, servants, agents and workmen, are hereby authorized and empowered to make and complete a Rail-road from a point on or near the River Ottawa, and at or near Carillon aforesaid, to a point on or near the said river at or near Grenville aforesaid, in as direct a line as local circumstances and the nature of the ground will permit, and are for that purpose hereby authorized and empowered to enter into and upon the lands and grounds of the Queen’s Most Excellent Majesty, (subject to the limitations hereinafter expressed) 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, stone, clay, soil, rubbish, gravel,

Certain persons incorporated under the name of “ *The Company of Proprietors of the Upper and Lower Ottawa Rail Road.*”

May have a common seal; may sue and be sued, and may acquire property.

The Company to make a Rail Road from Carillon to Grenville.

May enter into and upon the lands of Her Majesty, or of any other person, for various purposes connected with the making of said Road.

gravel, sand, trees, roots of trees, and other matters or things which may be dug or got in making the said intended Rail-road or other works, on or out of the lands or grounds of any person or persons adjoining or lying convenient thereto, and which may be proper, requisite or necessary for making or repairing the said intended 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 purposes of this Ordinance; and to make, build, erect and set up in or upon the said intended Rail-road, or upon the lands adjoining or near the same respectively, such and so many houses, ware-houses, weighing-beams, cranes, fire-engines, steam-engines, locomotive, stationary or other engines, inclined planes, machines and other works, ways, roads, and conveniencies, as and when the said company of proprietors shall think proper, requisite and convenient for the purposes of the said Rail-road; and also from time to time to alter, divert, repair, 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 or 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 Ordinance; 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 the 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 such owners or proprietors sustained in and by the execution of all or any of the powers granted by this Ordinance; and this Ordinance shall be sufficient to indemnify the said company of proprietors and their servants, agents or workmen, and all other persons whomsoever, for what they or any of them shall do, by virtue of the powers hereby granted, subject nevertheless, to such provisions and restrictions as are hereinafter mentioned.

Surveys to be made of the property over which the Road is to pass, together with a Plan and a book of reference.

The plan and book to be in triplicate, and two copies thereof to be deposited of record.

II. And be it further Ordained and Enacted by the authority aforesaid, that for the purposes of this Ordinance, the said company shall by some sworn Land Surveyor in this Province, and by some Engineer, by them to be appointed, cause to be taken and made, surveys and levels of the lands through which the said intended Rail-road is to pass or be carried, together with a plan or map of such Rail-road, and of the course and direction thereof and of the 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, or such parts thereof through which the said Rail-road shall pass, with 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 shall be so made or caused to be made in triplicate, and shall be 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 of and for the District of Montreal, one other in the office of the Secretary of the Province, and the remaining one he shall deliver to the said company of proprietors, and all persons shall have liberty to resort to such copies so to be deposited as aforesaid, and make extracts or copies thereof, as occasion shall require, paying to the said Secretary of the Province, or to the said Prothonotary, at the rate of six pence current money of this Province, for each and 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 said 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 all courts of law or elsewhere.

Where the Road shall cross any highway, the ledge not to rise or sink below the level of such Road more than one inch.

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

When any Bridge is erected for carrying said Road over any highway, a certain space to be left under each arch.

IV. Provided always, and be it further Ordained and 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-road over, or across 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 each and every such arch of not less than fifteen feet, and 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 such bridge shall not exceed one foot in thirteen feet.

V.

When a bridge is erected for carrying any highway over the Road, the ascent not to be steeper than one foot in 13, and a fence made on each side.

V. Provided always, and be it further Ordained and 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 highway over the said Rail-road, the ascent of such bridge for the purpose of such highway, shall not be steeper than one foot in thirteen feet; and a good and sufficient fence shall be made by the said company on each side of each such bridge, which fence shall not be less than four feet above the surface of such bridge.

When the road shall cross any highway on a level thereof, a gate to be erected on each side.

VI. Provided always and be it further Ordained and Enacted by the authority aforesaid, that in all cases where the said intended rail-way shall cross any public highway on a level therewith, the said company shall erect and at all times maintain a good and sufficient gate on each side of such public highway, where the said rail-way shall communicate with such public highway, which gates shall be constantly kept shut except at 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 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 train 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 a penalty of five shillings for each offence, to be recovered in like manner as other penalties under this Ordinance may be recovered.

Penalty upon any person leaving the gates open.

The Company not to deviate more than 20 paces from the course of the Road, without the consent of the parties interested.

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

But may make the road across the lands of any person into whose grounds such deviation shall extend, although their names are omitted in said book.

VIII. Provided always, and be it further Ordained and Enacted by the authority aforesaid, that the said company of proprietors shall and may make their said intended Rail-road, 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, by mistake, inserted in the said book of reference.

The lands to be taken or used for the Road not to exceed 25 yards in breadth, except in certain places.

IX. And be it further Ordained and 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 more than five feet higher, or cut more than five feet deeper than the present surface of the land, and in such places where it shall be deemed necessary to have off-sets for the locomotive or other engines and carriages using the said intended Rail-road to lie or pass each other, and not above one hundred and fifty yards in breadth, in any such 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 merchandizes 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.

All persons on behalf of themselves or those whom they represent, selling and conveying such lands to the Company, indemnified.

X. And be it further Ordained and 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 other trustees or persons whomsoever, not only for and in behalf of themselves, their heirs and successors, but also for and on behalf of those whom they represent, whether issue unborn, infants, lunatics, idiots, *femes covert*, 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 to the said company of proprietors, their successors and assigns, all or any 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 whomsoever 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 Ordinance; and all such contracts, agreements, sales, conveyances and assurances, or Notarial copies thereof, shall, at the expense of the said corporation, be deposited of record 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.

All contracts, sales, &c., to be deposited of record.

An annual rent to be paid for lands acquired from persons who cannot, in common course of law, sell them.

The road and tolls levied thereon, chargeable for all annual rents.

XI. Provided always, and be it further Ordained and 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 on 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 herein-after 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.

In case of disagreement as to the amount to be paid for such lands, or for indemnification for damages, the same to be decided by a

XII. And be it further Ordained and 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 unto them by the said company of proprietors, for the purchase thereof, and for their respective damages; and in case of disagreement

Jury before the
Court of K. B.

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 with regard to any indemnification for damages which may or shall be, at any time or times sustained by any bodies politic or corporate, or communities, or any other person or persons respectively, being owners of or interested in any estates, lands or grounds, for or by reason of the making, repairing or maintaining the said Rail-road, or other works or machines incidental or relative thereto, or connected therewith, shall and may be settled by agreement of the 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 and 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 tenements, 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 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

for such sum, rent or indemnification so to be assessed by such Jurors, which said verdict and the judgment so thereupon pronounced, shall be binding and conclusive to all intents and purposes, against the Queen's Majesty, Her Heirs and Successors and against all bodies politic, corporate or collegiate, or communities, and all persons whomsoever.

How the costs
and expenses
are to be set-
tled.

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

The parties
complaining to
enter into a
bond for the
payment of the
costs and ex-
penses in cer-
tain cases.

XIV. Provided always, and be it further Ordained and Enacted by the authority aforesaid, that all and every person and 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,

plaint, and to bear and pay the costs and expenses of summoning such Jury, and taking such Inquest, in case no damages shall be given by the verdict to such party, or in case a verdict shall be given for no more, or for a less sum or rent than had been offered by and on behalf of the said company of proprietors or their successors, before the summoning or returning of 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.

When the company may take possession of the said lands.

XV. And be it further Ordained and 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 Juries in manner respectively as aforesaid, to the proprietors thereof or other person or persons entitled to receive the same, or to the principal officer or officers of any such body politic, corporate or collegiate, or community, at any time after the same shall have been so agreed for, determined or assessed, such lands, grounds and hereditaments, or property respectively, may be entered upon and taken possession of by the said company of proprietors, and applied to the purposes of making and maintaining the said Rail-road and other works and conveniences thereunto appertaining.

All sales conveyances and judgments, &c. to be transmitted to and kept by the Prothonotary at Montreal, as records of the Court.

XVI. And be it further Ordained and Enacted by the authority aforesaid, that all agreements, sales and conveyances, and all determinations by Arbitrators as aforesaid, or Notarial copies thereof, when the same may be passed before Notaries, and also the said verdicts and judgments thereupon, shall be transmitted to and kept by the Prothonotary of the Court of King's Bench for the District of Montreal, to be kept among the Records of the said Court, and shall be deemed and taken to be Records of the said Court to all intents and purposes; and the same or true copies thereof shall be allowed to be good evidence in all Courts whatsoever in this Province, and all persons shall have liberty to inspect the same, paying for each inspection the sum of one shilling currency, and to have and obtain copies thereof, paying for every copy thereof, not exceeding one hundred words, the sum of six pence currency, and so in proportion for any number of words; and immediately on such payments of purchase money or rents as aforesaid, and entry of such agreements, sales, conveyances, determination by arbitration, verdicts, judgments or other proceedings of the said Court and Juries, all the estate, right, title, interest, use, trust, property, claim and demand in law or equity of the person and persons for whose use such money or rent shall be paid, in or arising out of the said lands, grounds, tenements, hereditaments and premises, shall vest in the said company of proprietors

When the company shall be deemed in law to be in actual possession and seizing of the said lands.

proprietors and their successors, and they shall respectively be deemed in law to be in actual possession and seizing 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 applica-
tions for in-
demnity for
damages to be
brought within
6 months

XVII. And be it further Ordained and 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 Ordinance, 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 after the doing or committing such damage shall cease, and not afterwards; and the Defendant or Defendants shall and may plead the general issue, and give this Ordinance, and the special matter in evidence at any trial to be had thereupon, and may aver that the same was done in pursuance of and by authority of this Ordinance.

Penalty on any
person ob-
structing the
free use of said
Road.

XVIII. And be it further Ordained and 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 of 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, which penalty or forfeiture may be recovered before one or more Justices of the Peace for the said District of Montreal; and one moiety thereof shall go to the prosecutor or informer, and the other moiety to Her Majesty, Her Heirs and Successors, and shall be paid into the hands of the Receiver General, and shall remain at the disposal of the Legislative authority of this Province, for the public uses thereof.

Any person
wilfully or ma-
liciously des-
troying any
part of said

XIX. And be it further Ordained and Enacted by the authority aforesaid, that if any person or persons shall wilfully or maliciously and to the prejudice of the said Rail-road authorised to be made by this Ordinance, break, throw down, damage or destroy the same or any part thereof, or any of the houses, ware-houses, toll-houses,
weigh-

Road, &c. to
be guilty of fe-
lony.

weigh-beams, cranes, carriages, engines, inclined planes, machines or other works or devices, incidental and relative thereto or connected therewith, or do any other wilful hurt or mischief, to obstruct, hinder or prevent the carrying on, completing, supporting and maintaining the said 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 to such Court shall seem fitting.

The company
may raise
£100,000 cury.

XX. And to the end that the said company of proprietors may be enabled to carry on so useful an undertaking, be it further Ordained and 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 fitting, a competent sum of money for the making and completing the said Rail-road and all such other works, matters and conveniences as may be found necessary for making, effecting, preserving, improving, completing, maintaining and using the said Rail-road and other works : Provided always, that the members of the said corporation whose names are herein before mentioned, shall cause books of subscription to be opened in the said City of Montreal, for receiving the signatures of persons willing to become subscribers to the said undertaking, and for this purpose they shall be held and bound to give public notice during at least four successive weeks in the Montreal Gazette, if then published, and in any other public Newspaper, in extensive circulation, of the time and place at which such books shall be opened and ready for receiving signatures as aforesaid, and of the persons by them authorised 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 thirty 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 Ordinance, and for

Books of sub-
scription to be
opened in
Montreal for
the purpose.

How the mo-
ney is to be
laid out and
applied.

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 Ordinance, and to no other use, intent, or purpose whatever.

To be divided
into 600
shares of £25
each.

XXI. And be it further Ordained and Enacted by the authority aforesaid, that the said sum of thirty thousand pounds currency, or such part thereof as shall be raised by the several persons hereinbefore named, and by such other person and persons as shall or may, at any time within twelve calendar months from the passing of this Ordinance, become a subscriber or subscribers to the said Rail-road, shall be divided and distinguished into six hundred equal parts or shares, at a price not exceeding fifty pounds, currency aforesaid, per share, and that the shares be deemed personal estate, and shall be transferable as such; and that the said six hundred 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 and persons, their several and respective successors, executors, curators, administrators and assigns, who shall severally subscribe and pay the sum of fifty pounds currency, 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 and not before, the entire and net distribution of one six hundredth 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 Ordinance; and so in proportion for any greater number of shares; and every body politic, corporate or collegiate, or community, person or persons having such property of the one six hundredth 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 intended undertaking in the manner by this Ordinance directed and appointed.

When a distri-
bution of pro-
fits may take
place.

In case the
said sum should
be insufficient
the company
may raise a
further sum of
£25,000.

XXII. And be it further Ordained and Enacted by the authority aforesaid, that in case the said sum of thirty thousand pounds currency, hereinbefore authorised to be raised, shall be found insufficient for the purposes of this Ordinance, then and in such case it shall be lawful for the said company of proprietors to raise and contribute among themselves, in manner and form aforesaid, and in such shares and proportions as to them shall seem meet, or by the admission of new subscribers,

a further or other sum of money for completing and perfecting the said intended Rail-road and other works and conveniences incidental or relative thereto, not exceeding the sum of fifteen thousand pounds, currency aforesaid : and every subscriber towards raising such further or other sum of money shall be a proprietor in the said undertaking, and have a like vote by himself or herself, or his or her proxy, in respect of every share in the said additional sum so to be raised, and shall also be liable to such obligations, and stand interested in all the profits and powers of the said undertaking in proportion to the sum he, she, or they shall or may subscribe thereto, as generally and extensively as if such other and further sum had been originally raised and a part of the said first sum of thirty thousand pounds ; any thing herein contained to the contrary notwithstanding.

Votes of the proprietors to be in proportion to their shares.

XXIII. And be it further Ordained and Enacted by the authority aforesaid, that the number of votes to which each proprietor of shares in the said undertaking shall be entitled on every occasion, when, in conformity to the provisions of this Ordinance, 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, copartnership, body politic, corporate or collegiate, or community, being a member or members of the said company, shall be entitled to a greater number than twenty-five votes ; and all proprietors of shares resident within 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 made and signed in the presence of two witnesses, and in the words and to the effect following, that is to say :—

But none to have more than twenty-five votes.

Votes by proxy allowed under an appointment in writing.

I _____ of _____ one of the proprietors of "The Upper and Lower Ottawa 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

ing that shall be mentioned or proposed at any meeting of the proprietors of the said undertaking, or any of them, in such manner as he the said shall think proper, according to his opinion and judgment, for the benefit of the said undertaking, or any thing appertaining thereto.

In witness whereof, I have hereunto set my hand and seal, the
day of _____ in the year _____

In the presence of _____

Signatures of Witnesses : }

(L. S.)

No person to
act as proxy for
absent proprie-
tors for more
than 150 shares

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 Ordinance, shall be determined by the majority of votes and proxies then present and so given as aforesaid ; provided, nevertheless, that no person shall act as proxy at any meeting for any absent proprietors for more than one hundred and fifty shares ; and at every such meeting one of the proprietors present shall be appointed Chairman or President, and shall not only vote as a proprietor, but, in case of equality of votes, shall have the decisive or casting vote.

Only subjects
of Her Majes-
ty can be elect-
ed President,
Treasurer, &c.

XXIV. Provided always, and be it further Ordained and Enacted by the authority aforesaid, that no proprietor who shall not be a natural born subject of Her Majesty, or a subject of Her Majesty naturalized by Act of the British Parliament, or by Act of the Parliament of this Province, or by Act or Ordinance of the Legislative authority thereof, for the time being, shall be elected President, Treasurer or Clerk, or one of the Committee of said Corporation.

When and
where the first
and second ge-
neral meetings
are to be held.

XXV. And be it further Ordained and Enacted by the authority aforesaid, that the first general meeting of proprietors for putting this Ordinance into execution, shall be held at such place as shall be hereafter named, within one month after three hundred shares in the said undertaking shall have been subscribed for ; provided that public notice thereof be given during two consecutive weeks in the Montreal Gazette (if then published,) and any other newspaper of extensive circulation ;
and

Subsequent meetings to be held twice a year.

Committee for managing the affairs of the company to be appointed annually.

Special meetings may be called.

In case of the death, absence, &c. of any of the Committee, others to be appointed in their place.

If an election of a Committee shall not take place on the day fixed, it may take place at any other time.

and the second general meeting shall be held at such time and at such place as the said proprietors or majority present at their said first meeting shall appoint; and the said general meeting shall be thereafter held twice in every year; and at the said first general meeting, the proprietors assembled, together with such proxies as shall be present, shall choose nine persons, being each a proprietor of five or more shares in the said undertaking, (out of whom any five or more of them shall be a quorum) to 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 twenty shares at least, that for more effectually putting this Ordinance into 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 newspapers 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 authorised to meet pursuant to such notice, and proceed to the execution of the powers by this Ordinance given them, with respect to the matters so specified only; and all such acts of the proprietors, or a majority of them, at such special meetings so assembled, such majority not having either as principals or proxies, less than two hundred shares, shall be as valid to all intents and purposes as if the same were done at general meetings.

XXVI. Provided always, and be it further Ordained and Enacted by the authority aforesaid, that 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 Ordinance to the contrary notwithstanding.

XXVII. And be it further Ordained and Enacted by the authority aforesaid that if at any time it shall happen that an election of Committee shall not take place on the day when in pursuance of this Ordinance it ought to be made and take place, the said Corporation shall not be taken to be dissolved, but it shall be lawful at any other time to make such election at a general meeting of Stockholders to be called:

called in the manner hereinafter prescribed ; and until such new election shall be had, the Committee for the year or period then last past, shall continue in office, and shall hold all their powers as if elected under the authority of this Ordinance for the period ending at the time of such new election.

No member of a Committee to have more than one vote.

The Committee subject to the control of the general and other meetings.

XXVIII. And be it further Ordained and 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 or President, 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. Provided always, that such Committee shall from time to time be subject to the examination and control of the said general and other meetings of the said Proprietors as aforesaid, and shall pay due obedience to all such orders and directions in and about the premises as they shall from time to time receive from the said Proprietors at such general or other meetings ; such orders and directions not being contrary to any express directions or provisions in this Ordinance contained.

Persons ineligible of being a member of a Committee.

XXIX. Provided always, and be it further Ordained and Enacted by the authority aforesaid, that no person holding any office, place or employment, or being concerned or interested in any contract or contracts under the said Company, shall be capable of being chosen a member of the Committee for managing the affairs of the said Company.

Any general meeting may call for the audit and settlement of account with the Treasurer, &c.

£5 on each share may be called in monthly.

XXX And be it further Ordained and 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, or by any other person or persons whomsoever, 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 Ordinance, 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 this 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

Committee to manage and direct the affairs of the Company.

Shares and proportionate parts thereof to be paid from time to time.

Any person neglecting, &c to pay their proportionate share, to incur a forfeiture.

And in case of non payment for 2 months, their shares to be forfeited.

To what purpose the forfeitures are to be applied.

No advantage to be taken of any forfeiture of shares unless declared so at a general meeting.

mittee shall have full power and authority to manage and direct all and every the affairs of the said Company of Proprietors, as well in 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 ; provided 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, if then published, and any other paper, of extensive circulation, 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 proportionate 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 and 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 or their respective share and shares in the said undertaking, and all the profit and benefit thereof ; all which forfeitures shall go to the rest of the said 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.

XXXI. Provided always, and be it further Ordained and 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.

XXXII.

The Company may remove any person from office and fill up vacancies, and may alter their rules

May make new rules and bye-laws.

May impose and inflict fines and forfeitures.

Rules and bye-laws to be published.

And affixed in various places.

Proprietors may sell their shares.

XXXII. And be it further Ordained and 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 the manner of voting and of appointing Committees, only excepted,) and shall have power to make such new rules, bye-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 other works connected therewith or belonging thereto, and for the well governing of all persons whomsoever travelling upon or using the said Rail-road and other works, or transporting any goods, wares, merchandizes or other commodities thereon; and to impose and inflict such reasonable fines and forfeitures, upon the persons guilty of a breach of such 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 any one offence; such fines or forfeitures, to be levied and recovered by such ways and means as are hereinafter mentioned; which said rules, bye-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 said Montreal Gazette, if then published, and any other newspaper in extensive circulation, 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 change or alteration shall be made to the same; and the said rules, bye-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.

XXXIII. And be it further Ordained and 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 and 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 deed of bargain and sale and conveyance made unto him or her, or them, before two witnesses, 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.

led 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 in which
the sale shall
be.

XXXIV. And be it further Ordained and 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 _____ in hand, paid tome by
“ (C. D.) of _____ do hereby bargain, sell and transfer to the said (C. D.)
“ _____ share (or shares) of the stock of the “ The Upper and Lower Ottawa
“ Rail Road,”—to hold unto him the said (C. D.) his heirs, executors, curators,
“ administrators and assigns, subject to the same rules and orders, and on the
“ same conditions that I held the same immediately before the execution hereof;
“ and I, the said (C. D.) do hereby agree to accept the said _____ share, (or
“ shares) subject to the same rules, orders and conditions.

“ Witness our hands and seals, this _____ day of
“ in the year _____

“ Signed and executed }
“ in presence of:— }

(L. S.)
(L. S.)”

One or more
Treasurers or
Clerks may be
appointed to
the Company.

XXXV. And be it further Ordained and Enacted by the authority aforesaid, that it shall and may be lawful to and for the said Company of Proprietors, and they are hereby authorised from time to time to nominate and appoint or remove a Treasurer or Treasurers, and a clerk or clerks, to the said Company of Proprietors, (taking such security for the due execution of his or their office, as the said Company of Proprietors shall think proper,) and such Clerk or Clerks shall, in a proper book or books enter and keep a true and perfect account of the names and places of abode of the several proprietors of the said Rail-road or undertaking, and of the several persons who shall from

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 Ordinance.

An account of receipts and expenditure to be made up and balanced annually.

XXXVI. And in order to ascertain the amount of the clear profits of the said undertaking, be it further Ordained and 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 Ordinance, and of the charges and expenses attending the erecting, making, supporting, maintaining and carrying on the said works, and of all other receipts and expenditure of the said Company or the said Committee; and at the semi-annual 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 semi-annual meetings shall declare otherwise; and such dividends shall be at and after the rate of so much per share upon the several shares held by the members thereof, of the joint stock of the said Company, as such meeting 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.

When dividends may be declared.

Proviso.

Rate of toll to be taken.

XXXVII. And be it further Ordained and 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, merchandizes and commodities of whatever description, transported upon the said Rail-road, nine shillings currency of the Province per ton weight; and for every passenger three shillings currency; and the said rates shall be paid respectively for the whole distance between Carillon and Grenville 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 on or near to the said Rail-road, and in such manner and under such regulations as the said Company of Proprietors or their successors shall

What proceed-
ings may be
had to recover
the toll, in case
of refusal or
neglect of pay-
ment.

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, merchandizes or other commodities for and in respect whereof such rates or dues ought to be paid, and detain the same until payment thereof ; and in the mean time such goods, wares, merchandizes, or other commodities, shall be at the risk and expense 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 or dues, and again to raise the same, (not exceeding in any case the sums or rates before mentioned) as often as it shall be deemed necessary for the interests of the said undertaking.

How fractional
parts of any
distance, or
weight, are to
be reckoned in
ascertaining
the rates of
toll.

XXXVIII. Provided always, and be it further Ordained and Enacted by the authority aforesaid, that in all cases when there shall be a fraction of a mile in the distance on which goods, wares, merchandizes 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, merchandizes 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.

Relating to the
conveyance of
the mail along
said road.

XXXIX. And be it further Ordained and Enacted by the authority aforesaid, that the said Company of Proprietors shall and they are hereby required, at any time and at all times to provide suitable carriages subject to the approval of Her Majesty's Deputy Post Master General, for the conveyance of Her Majesty's mail, and the person or persons in charge thereof, along the said Rail-road, when completed and in use ; nor shall any carriage or train of carriages or vehicles, whether for the conveyance of passengers or of goods, proceed at any time along such Rail-road or section thereof without such carriage for the conveyance of Her Majesty's Mail, except under the express written licence and instructions of Her Majesty's Deputy Post Master General to the said Company, stating at what time and on what occasions he shall not require that the mail be so conveyed ; and to this end the said Company shall notify to the said Deputy Post Master General the

the days and hours at which their trains and carriages will start from either end of such Rail-road, and shall not change such times of starting without giving at least six days notice of such change to the said Deputy Post Master General; and the said Company shall not for the conveyance of the said mail, and of the person or persons in charge thereof, and of the carriage so to be provided for the conveyance thereof as aforesaid charge or demand a greater rate than one penny currency per mile for each person in charge thereof, and one half penny currency per mile for each conveyance of a mail weighing one hundred weight or less, and one farthing currency per mile, for each half hundred weight of any such mail above the first hundred weight, making no charge for any fraction of a hundred weight less than half a hundred weight, when the whole weight of the mail shall exceed one hundred weight, or one hundred and twelve pounds, avoirdupoise; and for each and every refusal or neglect by the said Company to comply with the requirements of this section, the said Company shall forfeit and pay to Her Majesty, her heirs and successors to and for the public uses of the Province, a sum not exceeding twenty-five pounds currency, to be recovered with costs in any Court having jurisdiction to that amount: Provided always that nothing in this section contained shall be construed to prevent the said Deputy Post Master General from making such arrangement and agreement with and granting such permission or authority to the said Company with regard to the conveyance of Her Majesty's Mail, as he shall deem expedient; and such arrangement, agreement, permission or authority shall be good and valid, and shall be a sufficient indemnification to the said Company for any thing done or omitted in pursuance thereof; any thing in this section to the contrary notwithstanding.

Relating to the carriage of parcels not exceeding 120 pounds weight.

XL. Provided always, and be it further Ordained and 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 any such bye-law or bye-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, upon the said Rail-road, or any part thereof, as to them shall seem fit and reasonable, and 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.

XLI.

Lands taken for the road to be separated from adjoining property by proper fences &c.

XLI. And be it further Ordained and 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 fence, 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 to be set up and made as aforesaid.

Mile stones to be erected along the road.

XLII. And be it further Ordained and Enacted by the authority aforesaid, that whenever any farm or other lands belonging to the same person or persons shall be divided and separated into two parts by the said Rail-road, the said Company of Proprietors shall erect and place a gate or other moveable barrier on each side of the said Rail-road, in such manner as to allow to the said person or persons a convenient passage and communication, to, with, and between the parts of the said farm or other lands so divided and separated as aforesaid : Provided always that it shall not be lawful for such person or persons to cross or in any manner pass over the said Rail-road, save and except at the place where such gates or barriers shall be so erected as aforesaid ; and provided also that it shall be lawful for the said Company of Proprietors to make such rules and bye-laws for the opening and closing, regulation, keeping and using of the said gates or barriers, as may be necessary or expedient for securing to the said company the safe and unobstructed use of the said Rail-road, and to impose for each offence against such rules and bye-laws or any of them, a penalty not exceeding five shillings currency, to be recovered in like manner as other penalties under this Ordinance may be recovered.

Gates or barriers to be erected for the passage of any person where lands shall be divided into two parts by the road.

XLIII. And be it further Ordained and 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.

LXIV.

Bonds to be taken from the treasurer, receiver and collector.

XLIV. And be it further Ordained and 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 Ordinance, and for the faithful execution by such Treasurer, Receiver and Collector of his and their office and offices respectively

On refusal of any person to pay the amount subscribed by him, as it may be called for, the company may sue for the same.

XLV. And whereas several persons have subscribed, or may hereafter subscribe to advance money towards carrying the purposes of this Ordinance into execution, be it therefore further Ordained and enacted by the authority aforesaid, that the several person and persons who have subscribed, or may 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 for, or such parts or portions thereof as shall be called for from time to time by the said Company of Proprietors, under and by virtue of the powers and directions of this Ordinance, 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 the 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.

Fines, forfeitures and penalties how to be levied, recovered and disposed of.

XLVI. And be it further Ordained and Enacted by the authority aforesaid, that all fines and forfeitures imposed by this Ordinance, or which shall be imposed by virtue of any rule, order or bye-law to be made in pursuance thereof, (of which rule, order or bye-law, when produced, all Justices are hereby required to take notice,) the levying and recovering of which fines and forfeitures, are not hereinafter particularly provided for, shall, upon proof of the offence before any one or more Justice or Justices of the Peace for the District of Montreal, either by the confession of the party or parties, or by the oath or affirmation of any one credible witness, (which oath or affirmation such Justice or Justices are hereby empowered and required to administer without fee or reward) be levied by distress and sale of the offender's goods and chattels, by warrant under the hand and seal, or hands and seals of such Justice or Justices; and all such respective fines, forfeitures and penalties by this Ordinance imposed and inflicted, or authorized to be imposed or inflicted, the application whereof is not hereinbefore particularly directed, shall be paid into the hands of the Treasurer or Receiver of

of the monies to be raised by virtue of this Ordinance, and shall be applied and disposed of for the use of the said Rail-road or undertaking, and the overplus of the money to be raised by such distress and sale, after deducting the penalty and the expenses of the levying and recovery thereof, shall be paid over 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 committed 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 costs and expenses attending the same, shall be sooner paid and satisfied.

Appeals to be
made within
4 months.

XLVII. And be it further Ordained and 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 or Justices of the Peace, in pursuance of this Ordinance, every such person or persons may, within four Calendar months after the doing thereof, appeal to the Justices of the Peace of the General Quarter Sessions to be holden in and for the District of Montreal.

All actions to
be brought
within
6 months.

XLVIII. And be it further Ordained and 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 Ordinance, or in the execution of the powers and authorities, or the orders and directions herein before given or granted, every such action or suit shall be brought or commenced within six Calendar months next after the fact committed; or in case there shall be a continuation of damage, then within six Calendar months next after the doing or committing such damage shall cease, and not afterwards; and the Defendant or Defendants in such action or suit may plead the general issue, and give this Ordinance 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 Ordinance; 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.

XLIX.

Her Majesty
may assume
possession
of the road,
&c. on indem-
nifying the pro-
prietors.

XLIX. And be it further Ordained and Enacted by the authority aforesaid, that at any time before or after the making and completing the said Rail-road or undertaking, it shall and may be lawful for Her Majesty, her 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 five per centum upon the monies so advanced and paid, as full indemnification to such Company of Proprietors, by annual payments of at least twenty per cent, allowing moreover to the said Company six per cent interest upon the unredeemed part of the capital, but not allowing them any interest upon the advance of twenty five 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 Her Majesty, her 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 Ordinance, in so far as regards the said Rail-road or undertaking.

Detailed ac-
counts and
statements to
be rendered.

L. And be it further Ordained and Enacted by the authority aforesaid, that the said Company of Proprietors shall, between the first day of January and the thirty-first day of December in each and every year, and at such time within the said periods, as the Governor, Lieutenant Governor, or person administering the Government of this Province shall appoint, lay before him or such officer as he shall direct to receive the same, a detailed and particular account, attested upon oath, and made in such form as he shall direct, of all monies by the said Company received or expended under the authority of this Ordinance, with a statement of the amount of tonnage and of passengers conveyed along the said Rail-road, during the period for which the account shall be rendered.

The company
may use so
much of the
lands covered
by the
River Ottawa
as may be
necessary for
erecting
wharves &c.

LI. And be it further Ordained and 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 Ottawa, or of its bed, as may be found necessary for the making and completing, or more conveniently using the same, and thereupon to erect such wharves, quays, inclined planes, cranes, and other works as to the said Company shall seem meet.
Provided

Provided.

Provided always, that the said Company of Proprietors shall not under any provision of this section, or of any part of this Ordinance, in any way obstruct or impede the free navigation of the said River Ottawa, or any part thereof, or the navigation or use of the canal commonly called the Grenville Canal, or of the inlets or outlets to the same, or the use, efficiency or working of any public work therewith connected or of any public work of any kind whatever; nor shall the powers vested by this Ordinance in the said company extend to the taking or using of any lands, grounds, beach, or real property whatever, the property whereof is now vested in Her Majesty, without the consent of the Governor, Lieutenant Governor, or person administering the Government of this Province, for the time being, signified to the said company, under the hand of the Civil Secretary of the Province.

The road to be completed within 3 years, and the plan and book to be deposited within 12 months.

LII. And be it further Ordained and Enacted by the authority aforesaid, that the said Company of Proprietors, to entitle themselves to the benefit and advantages to them granted by this Ordinance, shall, and they are hereby required to make and complete the said Rail-road from Carillon to Grenville, in manner aforesaid, within three years from the passing of this Ordinance; 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 Ordinance; and if the same shall not be so completed and deposited respectively within the said period, so as to be used by the public as aforesaid, then this Ordinance and every matter and thing therein contained shall cease and be utterly null and void.

And in default this Ordinance to be null,

Reservation of Her Majesty's rights.

LIII. And be it further Ordained and 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 Her Majesty, Her Heirs and Successors, or of any person or persons, or of any bodies politic, corporate or collegiate, such only excepted as are herein mentioned.

This Ordinance to be a public one.

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

LV.

And is made
permanent.

LV. And be it further Ordained and Enacted by the authority aforesaid, that this Ordinance shall be and is hereby made permanent, and shall remain in force until repealed or altered by competent authority.

C. POULETT THOMSON.

Ordained and Enacted by the authority aforesaid, and passed in Special Council, under the Great Seal of the Province, at the Government House, in the City of Montreal, the Twenty-sixth day of June, in the Fourth year of the Reign of Our Sovereign Lady Victoria, by the Grace of God, of Great Britain and Ireland, Queen, Defender of the Faith, and so forth, and in the year of Our Lord one thousand eight hundred and forty.

By His Excellency's Command,

W. B LINDSAY,

Clerk Special Council.

C A P. XLVII.

An Ordinance to repeal certain parts of an Ordinance therein mentioned, and to amend certain other parts of the said Ordinance, and to amend certain parts of another Ordinance therein mentioned, and make further provision for establishing and maintaining an efficient system of Police in the Cities of Quebec and Montreal, and the Town and Borough of Three Rivers.

Preamble.

WHEREAS it is expedient to repeal certain parts of an Ordinance made and passed in the second year of Her Majesty's reign, intituled, "An Ordinance for establishing an efficient system of Police in the Cities of Quebec and Montreal," and to amend certain other parts of the said Ordinance, and also to amend a certain other Ordinance made and passed in the said second year of Her Majesty's reign, intituled, "An Ordinance to extend the provisions of the Ordinance