

*The Provincial Statutes of Lower-Canada, Being the sixth session of the of the Special Council, begun and holden at the City of Montreal, in the said Province of Lower Canada, fifth day of November, 1840, and ending the ninth day of February, 1841.* Quebec: John Carleton Fisher & William Kemble, Law Printer to the Queen's Most Excellent Majesty, 1841.

4 Victoria – Chapter 18 (Session 6)

**An Ordinance to amend An Act of the Provincial Parliament of this Province, intituled, "An Act for making a Rail-road from Lake Champlain to the River Saint Lawrence."**

Whereas it is expedient to amend certain parts of an Act of the Provincial Parliament of this Province of Lower Canada, passed in the second year of the reign of His late Majesty William the Fourth, intituled, "An Act for making a Rail-Road from Lake Champlain to the River St. Lawrence," Be it therefore Ordained and Enacted by His Excellency the Governor of the said 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 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 also by virtue and under the authority of a certain other Act of the same Parliament, passed in the Session held in the third and fourth years of the Reign of Her present Majesty, intituled, "An Act to Re-unite the Provinces of Upper and Lower-Canada, and for the Government of Canada;" and it is hereby Ordained and Enacted by the authority of the said Acts of Parliament, that so much of the said Act of the Provincial Parliament of this Province of Lower-Canada, contained in the sixth section thereof, as provides and requires that the Company of Proprietors of the Champlain and Saint Lawrence Rail-Road, shall in all cases when the said Rail-road shall cross any public highway on a level, 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 the said public highway, and all other the provisions, matters and things in the said section of the said Act enacted and contained, shall be, and are hereby repealed; and after the passing of this Ordinance, the said Company shall not be required or bound to make or maintain any such gate, and may in their discretion remove and take away any such gate which has been so erected and placed under and by virtue of the requirements of the said last mentioned Act: Provided always, that in all cases in which no such gate has been erected or placed or in which such gate has been erected and placed, and shall be removed, the said Company shall, at each and every place where the said Rail-way crosses any public highway on a level, station and constantly keep at least one person as a guard whose duty it shall be to prevent any obstruction, being or remaining upon the said Rail-Road, or upon such public highway, and to watch over the safety of the persons and property passing and conveyed either upon the said highway, or upon the said Rail-Road; and shall, in the like manner and for the performance of a like duty, keep at least eight

persons (including those to be stationed at the points aforesaid,) to be stationed at distances not exceeding two miles from each other, on the said Rail-Road: and for each and every neglect or refusal to comply with the provisions of this section, the said company shall incur the penalty mentioned in the said sixth section of the Act hereby amended, to be recovered and applied in the manner herein provided.

II. And be it further Ordained and Enacted, that so much of the said last mentioned Act contained in the thirty fifth section thereof as requires that the account therein specified shall be annually made up and balanced on the thirtieth day of November in each year shall be and the same is hereby repealed: and it shall be lawful for the said Company from and after the passing of this Ordinance, to fix and appoint by a bye-law, the time or times in each and every year, at which such account shall be made up and balanced, and at which the rates and dues authorized to be demanded and received by the said Company, shall be regulated and declared for the ensuing year.

III. And whereas it appears from the general terms and context of the said thirty-fifth section of the act hereby amended, that the word "biennial" as twice used and inserted in the said section immediately before the word "meetings" is erroneously so used and inserted instead of the word "half yearly";—be it therefore further Ordained and Enacted, that any thing directed or permitted to be done at the meetings of the said Company mentioned and referred to in the said section, shall and may be done at the half-yearly meetings of the said Company mentioned in the twenty-fifth section of the said Act; and all things which may heretofore have been done at any such half-yearly meeting, but in all other respects in the manner and according to the other requirements and provisions of the said thirty, fifth section, shall be held to have been validly and legally done; any thing in the said thirty-fifth section to the contrary notwithstanding.

IV. And whereas in and by the said Act, in the thirty-ninth section thereof, it is enacted and provided "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, 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," it is hereby Ordained, Enacted and declared, that it shall not be necessary for the said Company in any manner to divide or separate, or to keep divided or separated, the lands so taken for the use of the said Rail-Road, from the Lands of the Common of Laprairie, until they shall be thereunto specially required, by the Governor, Lieutenant Governor or person administering the Government of this Province, any thing in the said section to the contrary notwithstanding.

V. And be it further Ordained and Enacted, that this Ordinance shall be deemed and held 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.

VI. And be it further Ordained and Enacted, that this Ordinance, and the provisions herein contained, shall not cease or expire on the first day of November, which shall be in the year of our Lord one thousand eight hundred and forty-two, but shall be and remain a permanent law, and in full force and effect until the same shall be repealed or altered by competent Legislative authority

SYDENHAM.

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 Thirtieth day of January, 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-one.

By His Excellency's Command,  
W. B. LINDSAY,  
Clerk Special Council.