



ANNO OCTAVO
VICTORIÆ REGINÆ.

CAP. XXV.

An Act to Incorporate the Saint Lawrence and Atlantic Rail-road Company.

[17th March, 1845.]

WHEREAS the construction of a Rail-road from the River St. Lawrence, as nearly opposite to the City of Montreal as may be found desirable, to the Boundary Line between this Province and the United States of America, with a Branch from the City of Quebec connecting therewith, would greatly contribute to the prosperity of this Province; and whereas the several persons hereinafter named are desirous to make and maintain the said Rail-road: Therefore for obtaining and perfecting the good effects and purposes aforesaid, Be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to Re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That Peter M'Gill, John Frothingham, Joseph T. Barret, Charles H. Castle, William Lyman, Harrison Stephens, Joseph Shuter, Louis A. Dessaulles, Pierre D. Debartzch, Samuel C. Monk, The Baron de Longueuil, Isidore Hurteau, Charles Sabourin, Victor Chenier, Alexis Colin, Louis Colin, Joseph Lecours, Amable Gelineau, Marie J. Tonnancour, Leonard G. Tonnancour, Michel Lemaitre, Joseph Bistodeau, Eusèbe Cartier, Amable Archambault, A. Augustin Papineau, P. Edward Leclerc, Michel Plamondon, Horace Steward, John Gilman, Samuel Gilman, Joseph Ward, Lee Knowlton, David Wood, Alonzo Wood, Oliver Wells, Hiram J. Foster, Andrew Barton, Alexander Rea, Joseph Pennoyer, Hollis Smith, Alder W. Kendrick, Benjamin Pomroy, John Moore, Joshua Foss, Alexander Kilborn, William Morris, John Felton, Alexander T. Galt, Arba Stimson, Thomas Tait, William Gibson, C. B. Cleveland, Samuel Daniels, Joseph Rankin, William G. Cook, Philip Flanders,

Preamble.

A Joint Stock Company formed for the purpose of constructing a Rail-road from the St. Lawrence to the Province Line.

Flanders, Chester Hovey, Louis V. Sicotte, Nacisse Boivin, Maurice Buckley, Etienne Leduc and Charles Starnes, together with such person or persons as shall under the provisions of this Act 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 Rail-road hereby authorized to be made, are and shall be, and be united into a Company for carrying on, making, completing and maintaining the said intended Rail-road, according to the rules, orders and directions hereinafter expressed, and shall for that purpose be one body politic and corporate by the name of *The Saint Lawrence and Atlantic Rail-road Company*, and by that name shall have perpetual succession, and shall have a common seal; and by that name shall and may sue and be sued, and also shall and may have power and authority to purchase lands, tenements and hereditaments for them and their successors and assigns, for the use of the said Rail-road, without Her Majesty's *Lettres d'Amortissement*; saving nevertheless to the Seigneur or Seigniors within whose *censive* the lands, tenements and hereditaments so purchased may be situate, his and their several and respective *droits d'indemnité*, and all other Seigniorial rights whatever, and also to sell any of the said lands, tenements and hereditaments purchased for the purposes aforesaid, and any person or persons, bodies politic or corporate, or communities may give, grant, bargain, sell or convey to the said Company of Proprietors, any lands, tenements or hereditaments for the purposes aforesaid, and the same may re-purchase of the said Company without *Lettres d'Amortissement*, and the said Company of Proprietors and their successors and assigns shall be and are hereby authorized and empowered from and after the passing of this Act, by themselves, their deputies, agents, officers, workmen and servants, to make and complete a Rail-road, to be called *The Saint Lawrence and Atlantic Rail-road*, from the River St. Lawrence as nearly opposite to the City of Montreal as may be found desirable, in the general direction of St. Hyacinthe and Sherbrooke to the Boundary Line between this Province and the United States of America, at such point or place of the said Boundary Line near the Connecticut River as that the said Rail-road may best connect with *The Atlantic and Saint Lawrence Rail-road*, to be constructed from Portland in the State of Maine to the said Boundary Line, there to connect with the Rail-road hereby authorized to be made and completed, and further to make and complete a Rail-road from any such point of the said Rail-road hereby authorized to be made as shall be deemed most favorable, to the said Boundary Line in the Township of Stanstead or elsewhere in the County of Stanstead with a view to uniting the same with any Rail-road which may be constructed within the State of Vermont, one of the United States of America.

Direction of the said Rail-road.

A Branch of the said Rail-road may be made to the Province Line near the State of Vermont.

Branch Rail-road may be made from opposite the City of Quebec.

II. And be it enacted, That the said Company of Proprietors and their successors and assigns shall be and are hereby authorized and empowered from and after the

the passing of this Act, by themselves, their deputies, agents, officers, workmen and servants, to make and complete a branch Rail-road from the South bank of the said River St. Lawrence, as nearly opposite to the said City of Quebec as may be found desirable, to connect with the said Rail-road at any point within this Province.

III. And be it enacted, That, for the purposes aforesaid, the said Company of Proprietors, their deputies, servants, agents and workmen, are hereby authorized and empowered to enter into and upon the lands and grounds of the Queen's Most Excellent Majesty, or of any person or persons, bodies politic, corporate or collegiate, or communities whatsoever, and to survey and take levels of the same, or any part thereof, and to set out and ascertain such parts thereof as they shall think necessary and proper for making the said intended Rail-road, and all such other works, matters and conveniences as they shall think proper and necessary for making, effecting, preserving, improving, completing, maintaining and using the said intended Rail-road and other works, and also to bore, dig, cut, trench, get, remove, take, carry away, and lay earth, clay, stone, soil, rubbish, trees, roots of trees, beds of gravel or sand, or any other matters or things which may be dug or got in making the said intended Rail-road or other works, or out of the lands or grounds of any person or persons adjoining or lying convenient thereto, and which may be proper, requisite, or necessary for making or repairing the said intended Rail-road, or works, incidental or relative thereto, or which may hinder, prevent or obstruct the making, using or completing, extending or maintaining the same respectively, according to the intent and purpose of this Act; and to make, build, erect and set up in or upon the said intended Rail-road, or upon the lands adjoining or near the same respectively, such and so many houses, ware-houses, toll-houses, watch-houses, weighing beams, cranes, fire engines, steam engines, or other engines, either stationary or locomotive, inclined planes, machines, and other works, ways, roads and conveniences, as and when the said Company of Proprietors shall think requisite and convenient for the purposes of the said Rail-road; and also from time to time to alter, repair, divert, widen, enlarge and extend the same, and also to make, maintain, repair and alter any fences or passages over, under or through the said intended Rail-road, and to construct, erect and keep in repair any bridges arches and other works, upon and across any rivers or brooks for the making, using, maintaining and repairing the said intended Rail-road; and to construct, erect, make and do all other matters and things which they shall think convenient and necessary for the making, effecting, extending, preserving, improving, completing, and easy using of the said intended Rail-road and other works, in pursuance of, and according to the true intent and meaning of this Act; they, the said Company of Proprietors, doing as little damage as may be, in the execution of the several powers to them hereby granted, and making satisfaction in manner hereinafter mentioned to the owners or proprietors of, or the persons interested in the lands, tenements

Power to the Company to set out and survey lands necessary for their works, &c.

Erecting buildings, machinery, &c.

Bridges and other works for passing streams, &c.

Other works necessary for the Rail-road.

As little damage as possible to be done, and compensation to be made.

OR

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

Company by a sworn Surveyor or Engineer may take surveys and levels of the lands through which the Rail-road is to be carried.

Plan and book of reference to be made and deposited.

IV. And be it enacted, That for the purposes of this Act, the said Company shall and may by some sworn Land Surveyor in the Province, and by an Engineer, by them to be appointed, cause to be taken and made, surveys and levels of the said lands, through which the said intended Rail-road is to be carried, together with a map or plan of such Rail-road, and of the course and direction thereof, and of the said lands through which the same is to pass, and also a book of reference for the said Rail-road, in which shall be set forth a description of the said several lands, and the names of the owners, occupiers, and proprietors thereof, and in which shall be contained every thing necessary for the right understanding of such map or plan; which said map or plan and book of reference, shall, on the completion of the said Rail-road, be made or caused to be made, and certified by the Surveyor-General or his Deputies, who shall deposit copies thereof in each of the offices of the Prothonotaries of the Court of Queen's Bench for each District through which the said Rail-road, or any part thereof, shall or shall be intended to pass, and also in the office of the Secretary of the Province, and shall also deliver one copy thereof 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 Prothonotaries, at the rate of six pence, current money of this Province, for every hundred words, and the said copies of the said map or plan and book of reference, so certified, or a true copy or copies thereof, certified by the Secretary of the Province, or by one of the Prothonotaries of the Court of Queen's Bench for the said Districts, shall severally be, and are hereby declared to be good evidence in the Courts of Law and elsewhere.

Copies or extracts may be taken and used.

Fee.

When the Rail-road crosses any high-way, the ledge of such Rail-way not to rise nor sink more than one inch.

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

When the Company build a Bridge

VI. Provided always, and be it enacted, That where any Bridge shall be erected or made by the said Company, for the purpose of carrying the said Rail-way

over

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 every such arch of not less than fifteen feet, and of a height from the surface of such public highway to the centre of such arch, of not less than sixteen feet, and the descent under any such bridge shall not exceed one foot in thirteen feet.

for the purpose of carrying the Rail-road over or across any highway, the arch to be of certain dimensions.

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

In building a bridge for carrying a public carriage road over the Rail-way, the ascent of such bridge to be of certain dimensions.

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

Company to establish gates, where the Rail-way shall cross a public highway.

IX. And be it enacted, 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 thirty-three yards in breadth, except in such places where the said intended Rail-road shall be raised higher, or cut more than five feet deeper than the present surface of the land, and in such places where it shall be judged necessary to have off-sets for the locomotives or other engines and carriages using the said intended Rail-road, to be or pass each other; and not above one hundred and fifty yards in breadth in any such place, or where any houses, ware-houses, toll-houses, watch-houses, weighing-beams, cranes, fixed engines or inclined planes, may be erected, or goods, wares or merchandize be delivered, and then not more than two hundred yards in length, by one hundred and fifty yards in breadth, without the consent of the proprietors.

Lands taken for Rail-road not to exceed thirty-three yards in breadth. Exception.

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

Conveyances to the Company to be deposited in the Prothonotary's Office.

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

X. And be it enacted, That after any lands or grounds shall be set out and ascertained in manner aforesaid, for making and completing the said Rail-road and other works, and other the purposes and conveniences hereinbefore mentioned, it shall and may be lawful for all bodies politic, corporate, or collegiate, corporations aggregate or sole, communities, guardians, curators, executors, administrators, and all other trustees or persons whatsoever, not only for and on behalf of themselves, their heirs and successors, but also for and on behalf of those whom they represent, whether infants, issue unborn, lunatics, idiots, *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 unto the said Company of Proprietors, their successors or assigns, all or any part of such lands or grounds which shall from time to time be set out and ascertained as aforesaid; and that all contracts, agreements, sales, conveyances and assurances so to be made, shall be valid and effectual in law to all intents and purposes whatsoever, any law, statute, usage or custom to the contrary thereof in any wise notwithstanding; and all bodies politic, corporate or collegiate, or communities, and all persons whatsoever, so conveying as aforesaid are hereby indemnified for what he, she, or they, or any of them shall respectively, do by virtue of or in pursuance of this Act; and that all such contracts, agreements, sales, conveyances and assurances, or notarial copies thereof, shall, at the expense of the said Company of Proprietors and their successors, be deposited in the office of the Prothonotaries as aforesaid, and true copies thereof shall be allowed to be good evidence in all Courts whatsoever.

XI. Provided always, and be it enacted, 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 upon a principal sum, to be paid for the lands or grounds so set out and ascertained as necessary for making the said Rail-road, and other the purposes and conveniences relative thereto and connected therewith; and in case the amount of such rent shall not be fixed by voluntary agreement or compromise, or by arbitration between the parties, it shall be fixed by a Jury convened and qualified in the manner hereinafter prescribed, and all proceedings and litigations in Court, shall in that case be regulated as is hereinafter prescribed; and for the payment of the said annual rent, and every other annual rent agreed upon or ascertained for the purchase of any lands or grounds, the said Rail-road and the Tolls to be levied and collected thereon shall be, and are hereby made liable and chargeable, in preference to all other claims or demands thereon whatsoever.

XII. And be it enacted, That it shall be lawful for the said Company of Proprietors to apply to the several owners of the estates, lands and grounds through which such Rail-road is intended to be carried, and to agree with such owners respectively, touching the compensation to be paid to them by the said Company of Proprietors for the purchase thereof, and for their respective damages; and in case of disagreement between the said Company and the said owners, or any of them, then all questions which shall arise between the said Company and the several proprietors of, and persons interested in any estates, lands or grounds that shall or may be taken, affected or prejudiced by the execution of any of the powers hereby granted, or any indemnification for damages which may or shall be at any time or times sustained by any bodies politic or corporate, or communities, or any other person or persons respectively, being owners of or interested in any estate, 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 Queen's Bench for the District, 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 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 Queen's Bench, to appear before the said Court at such time and place as in such Warrant shall be appointed, and all parties concerned may have their lawful challenge against any of the said Jurymen, but shall not challenge the array; and the said Court is hereby empowered to summon and call before them, all and every such person or persons as it shall be thought necessary to examine as witnesses touching the matters in question, and the said Court may authorize and order the said Jury, or any six or more of them to view the place or places, or matter in controversy, which Jury upon their oaths, (all which oaths, as well as the oaths to be taken by any person or persons who shall be called upon to give evidence, the said Court is hereby empowered to administer,) shall enquire of, assess, and ascertain the distinct sum or sums of money, or annual rent to be paid for the purchase of such lands or grounds, or the indemnification to be made for the damage that may or shall be sustained as aforesaid, and in so doing the said Jury shall take into consideration the damage or inconvenience which may arise by means of any bridges, roads or other communication made necessary by reason of the said Rail-road, and may assess separate damage

The Company to apply to the owners of the lands through which the Rail-road is to be carried, touching the compensation to be paid for the same.

And mode of establishing such compensation.

damage for the same; and the said Jury shall distinguish the value set upon the lands, and the money assessed or adjudged for damages, separate and apart from each other; and the said Court shall give judgment for such sum, rent or indemnification so to be assessed by such Juries, which said verdict, and the 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 expenses, where a verdict is given for more money as indemnification than has been previously offered by the Company, are to be settled.

XIII. And be it enacted, That in all cases where a verdict shall be given for more money as an indemnification or satisfaction for any lands, grounds, 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 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 damage 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 so deducted out of the money so assessed and adjudged, when the same shall exceed such costs and expenses, as so much money advanced to and for the use of such person or persons; and the payment or tender of the remainder of such money shall be deemed and taken, to all intents and purposes, to be a payment or tender of the whole sums so assessed or adjudged as aforesaid.

Persons not satisfied with the compensation offered by the Company, such persons making complaints and requesting a jury, to enter into a bond to prosecute his complaint and to bear all the costs and expenses in summoning the jury and taking such inquest.

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

XV. And be it enacted, That upon payment or legal tender of such sum or sums of money or annual rent, as shall be contracted or agreed for between the parties, or determined by arbitrators, or assessed by such Juries in manner respectively as aforesaid to the Proprietors thereof, or other person or persons entitled to receive the same, or to the principal officer or officers of any such body politic, corporate or collegiate, or community, at any time after the same shall have been so agreed for, determined or assessed, such lands, grounds and hereditaments or property respectively may be entered upon and taken possession of by the said Company of Proprietors, and applied to the purpose of making and maintaining the said Rail-road and other works and conveniences thereunto appertaining.

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

XVI. And be it enacted, That all agreements, sales and conveyances, and all determinations by arbitration as aforesaid, or notarial copies thereof when the same may be passed before notaries, and also the said verdicts and judgments thereupon, shall be transmitted to and kept by the Prothonotary of the Court of Queen's Bench for the District, 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 rent as aforesaid, and entry of such agreements, sales, conveyances, determinations by arbitration, verdicts, judgments, and other proceedings of the said Court and Juries, all the estate, right, title, interest, use, trust, property, claim and demand, in law and equity of the person or persons for whose use such money or rent shall be paid into and out of the said lands, grounds, tenements, hereditaments and premises, shall vest in the said Company of Proprietors and their successors, and they shall respectively be deemed in law to be in actual possession and seisin of the same to all intents and purposes whatsoever, as fully and effectually as if every person having an estate therein had been able to convey and had actually conveyed the same to them by the most effectual legal conveyance, and such payment shall bar all right, title, interest, claim and demand of the person or persons to whose use the same shall be made, bodies politic, corporate or collegiate, ecclesiastical or civil communities, women subject to marital authority, minors, interdicted persons 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 agreements, sales, &c., to be kept by the Prothonotary of the Court of Queen's Bench.

All applica-
tions for in-
demnity for
damage done
under this Act,
to be made
within a cer-
tain time.

XVII. And be it enacted, That application to the said Court for indemnity for any damage or injury sustained by reason of the powers and authority given by this Act, shall be made within six calendar months next after the time of such supposed damage sustained, or in case there shall be a continuation of damage, then within six calendar months next after the doing or committing such damage shall cease, and not afterwards, and the Defendant or Defendants shall and may plead the general issue and give this Act and the special matter in evidence at any trial to be had thereupon, and may aver that the same was done in pursuance and by authority of this Act.

Penalty on
persons ob-
structing the
free use of the
Rail-road.

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

Penalty on
persons break-
ing down or
obstructing or
damaging the
Rail-road or
any houses.

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

Company of
Proprietors to
contribute
among them-
selves the ne-
cessary sums
for carrying on
their under-
taking.

XX. And to the end that the said Company of Proprietors may be enabled to carry on so useful an undertaking; Be it enacted, That it shall and may be lawful for the said Company of Proprietors and their successors, to raise and contribute among themselves, in such proportions as to them shall seem meet and convenient, a competent sum of money for the making and
completing

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 before mentioned Peter McGill, John Frothingham, Alexander T. Galt, Alexander Rea, John Moore, Thomas Tait and the Baron de Longueuil, or a majority of them, shall cause books of subscription to be opened in the Cities of Quebec and Montreal, and at the Town of Sherbrooke and elsewhere as they shall from time to time appoint until the first meeting of Proprietors hereinafter provided for; 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 in the *Quebec, Montreal and Sherbrooke Gazettes*, and in any other public newspaper published in the said Cities of Quebec, Montreal, and at the Town of Sherbrooke, in the French language, of the time and place at which such books will be opened and ready for receiving signatures as aforesaid, and of the persons by them authorized to receive such subscriptions, and every person who shall write his or her signature in such book as a subscriber to the said undertaking shall thereby become a Member of the said Corporation, and shall have the same rights and privileges as such as are hereby conferred on the several persons who are herein mentioned by name as Members of the said Corporation: Provided always, that the sums so raised shall not exceed the sum of six hundred 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 hereinafter directed, at a price of fifty pounds currency aforesaid, per share, and the money so to be raised is hereby directed and appointed to be laid out and applied in the first place for and towards the payment, discharge and satisfaction of all fees and disbursements for obtaining and passing this Act, and for making the surveys, plans and estimates incident thereunto, and all other expenses relating thereunto, and all the rest, residue and remainder of such money for and towards making, completing and maintaining the said Rail-road, and other the purposes of this Act, and to no other use, intent or purpose whatever.

Proviso.

Proviso.

XXI. And be it enacted, That the said sum of six hundred thousand pounds currency, or such part thereof as shall be raised by the several persons hereinbefore named, and by such other person or persons who shall or may at any time within twelve calendar months from the time this Act shall obtain the Royal assent, become a subscriber or subscribers to the said Rail-road, shall be divided and distinguished into twelve thousand 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 transferred as such, and that the said twelve thousand shares shall be and are hereby vested in the said several subscribers and their several respective heirs, executors, curators, administrators and assigns, to their

The sum that may be raised by the Company of Proprietors, to be divided into shares:

their and every of their proper use and behoof, proportionally to the sum they and each of them shall severally subscribe and pay thereunto, and all and every the bodies politic, corporate or collegiate, or communities, and all and every person or persons, their several and respective successors, executors, curators administrators and assigns, who shall severally subscribe and pay the sum of fifty pounds, or such sum or sums as shall be demanded in lieu thereof, towards carrying on and completing the said intended Rail-road, shall be entitled to and receive, after the said Rail-road shall be completed, the entire and net distribution of the profits and advantages that shall and may arise and accrue by virtue of the sum and sums of money to be raised, recovered or received by the authority of this Act, in proportion to the number of shares so held: and every body politic, corporate or collegiate, or community, person or persons, having such property of one twelve thousandth part or share in the said undertaking, and so in proportion as aforesaid, shall bear and pay an adequate and proportional sum of money towards carrying on the said undertaking in manner by this Act directed and appointed.

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

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

Votes of Proprietors according to the number of their shares.

XXIII. And be it enacted, 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 Act, the votes of the Members of the said Company of Proprietors are to be given, shall be in the proportion equal to the number of shares held by him: Provided always, that no one proprietor as aforesaid shall have more than one hundred and fifty votes; and all proprietors

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

“ I, _____ of _____ one of the Proprietors of the Saint Lawrence and Atlantic Rail-road, do hereby nominate, constitute and appoint _____ of _____ to be my proxy, in my name and in my absence to vote or give my assent or dissent to any business, matter or thing, relating to the said undertaking, that shall be mentioned or 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 _____ .”

And such vote or votes by proxy, shall be as valid as if such principal or principals had voted in person ; and whatever question, election of proper Officers, or matters or things shall be proposed, discussed or considered in any public meeting of Proprietors, to be held by virtue of this Act, shall be determined by the majority of votes and proxies then present and so given as aforesaid.

XXIV. Provided always, and be it enacted, 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, shall be elected President or Treasurer.

XXV. And be it enacted, That no Shareholder in the said Company of Proprietors, shall be in any manner whatsoever liable for or charged with the payment of any debt or demand due by the said Company beyond the extent of his, her or their share in the Capital of the said Company not paid up.

XXVI. And be it enacted, That the first General Meeting of the Proprietors for putting this Act in execution, may be held at the Court House in the City of Montreal, whenever five hundred Shares in the said undertaking shall have been subscribed—provided that public notice thereof be given during one week in the Montreal Gazette, and in any other paper published in the French language at Montréal ; and at such 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 Committee for managing the affairs of the said Company of _____

No proprietor, unless a natural born subject or naturalized, to be President or Treasurer of the said Corporation.

No Shareholder to be liable for the debts of the Corporation beyond the amount of his capital not paid up.

The first general meeting of the proprietors to be held at the Court House in the City of Montreal.

of Proprietors, until the due appointment of Directors as hereinafter provided, and such Committee shall have the same powers and authorities as are hereinafter conferred on the said Directors, and shall be subject to the same restrictions and control.

A General Meeting of the Proprietors to be called after notice, and after half of the capital has been subscribed, to elect a Board of thirteen Directors.

XXVII. And be it enacted, That the said Committee shall call a General Meeting of the Proprietors for the purpose of putting this Act into effect, to be held in the City of Montreal within one month after one-half of the Capital Stock authorized to be raised under this Act shall have been subscribed, public notice thereof being given in the Quebec, Montreal and Sherbrooke Gazettes, and in any other paper published in the French language at Quebec, Montreal and Sherbrooke, at which said General Meeting the Proprietors assembled, with such Proxies as shall be present, shall choose thirteen persons, being each a Proprietor of not less than twenty Shares in the said undertaking, to be Directors of the said Company, in such manner as is hereinafter directed, and as shall from time to time be ordered by the Proprietors, and at such General Meeting the Proprietors shall also proceed to pass such Rules, Regulations and By-Laws as shall seem to them fit, provided they be not inconsistent with this Act.

In the month of January of each year, a Board of Directors to be elected.

Special meetings of Proprietors may be called.

XXVIII. And be it enacted, That in the month of January in each year an annual General Meeting of the said Company of Proprietors shall be held to choose Directors in the room of those whose office may at that time become vacant, and generally to transact the business of the Corporation; but if at any time it shall appear to any eleven or more of such Proprietors, holding together one hundred and fifty shares at least, that for more effectually putting this Act in execution, a Special Meeting of Proprietors is necessary to be held, it shall be lawful for such eleven or more of them to cause fifteen days' notice at least to be given thereof in the *Gazettes* aforesaid, or in such manner as the Proprietors, or their successors, shall at any General Meeting direct or appoint, specifying in such notice the time and place, and the reason and intention of such Special Meetings, respectively; and the Proprietors are hereby authorized to meet pursuant to such notices, and proceed to the execution of the powers by this Act given them, with respect to the matters so specified only; and all such acts of the Proprietors, or the majority of them, at such Special Meetings assembled, such majority not having either as Principals or Proxies, less than two hundred and fifty shares, shall be as valid to all intents and purposes as if the same were done at General Meetings: Provided always, 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

Proviso.

may die, or be absent, resign, or be removed, as aforesaid; any thing in this Act to the contrary notwithstanding.

XXIX. And be it enacted, That at the said Annual Meeting of Proprietors, three of the said thirteen Directors shall annually retire in rotation, the retirement of the said first elected thirteen Directors being decided by lot, but the Directors then or at any subsequent time retiring shall be eligible for re-election: Provided always, that no such retirement shall have effect except the Proprietors at such General Meeting proceed to fill up the vacancies thus occurring in the Direction.

Three Directors shall annually retire, by lot, but may be re-elected.
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XXX. And be it enacted, That any Meeting of the said Directors, at which not less than seven Directors shall be present, shall be competent to do and perform all and any of the powers hereby vested in the said Directors of the said Company: Provided always, that no one Member of the said Committee, though he may be a Proprietor of many Shares, shall have more than one vote in the said Committee, except the Chairman, who shall be chosen by and out of the said Committee, and who, in case of a division of equal numbers, shall have the casting vote, although he may have given one vote before: And provided also, that such Committee shall, from time to time, be subject to the examination and control of the said General and other Meetings of the said Proprietors as aforesaid, and shall pay due obedience to all such orders and directions, in and about the premises, as they shall from time to time receive from the said Proprietors at such General or other Meetings; such orders and directions not being contrary to any express directions or provisions in this Act contained.

Seven Directors to be a meeting for business.
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XXXI. Provided always, and be it enacted, 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.

No person holding an office, &c., under the Company, to be chosen a Member of the Committee.

XXXII. And be it enacted, That every such General Meeting shall have power to appoint not exceeding three Auditors to audit all accounts of money laid out and disbursed on account of the said undertaking, by the Treasurer, Receiver and Receivers, and other Officer and Officers to be by their said Committee appointed, or by any other person or persons whatsoever, employed by, or concerned for or under them, in and about the said undertaking, and to that purpose shall have power to adjourn themselves over from time to time, and from place to place, as shall be thought convenient by them; and the said Directors assembled by the authority of this Act, shall have power from time to time to make such call or calls of money from the Proprietors of the said undertaking, to defray the expense of, or to carry on the same, as they from time to time shall find wanting and necessary for these purposes:

General meeting may appoint three Auditors to audit all accounts of money laid out and disbursed on behalf of the said undertaking.

Power of the Directors.

Proviso.
Calls how to
be made.

purposes : 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 two calendar months from each other ; and such Directors shall have full power and authority to direct and manage all and every the affairs of the said Company of Proprietors, as well as contracting for and purchasing lands, rights and materials for the use of the said undertaking, as in employing, ordering and directing the work and workmen ; and in placing and removing under-officers, clerks, servants and agents, and in making all contracts and bargains touching the said undertaking, so that no such purchase, bargain, or other matter, be done or transacted without the concurrence of a majority of such Directors, and the owner or owners of one or more 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 Directors shall from time to time appoint and direct, of which three weeks notice at least shall be given in the Gazettes, and in any other paper published in the French language as aforesaid, or in such other manner as the said Proprietors or their successors shall at any General Meeting direct or appoint, and if any person or persons shall neglect or refuse to pay his, her or their rateable or proportionable part or share of the said money, to be called for as aforesaid, at the time and place appointed by such General Meeting or Committee, he, she or they, neglecting or refusing, shall forfeit a sum not exceeding five pounds for every one hundred pounds of his, her or their respective share and shares in the said undertaking ; and in case such person or persons shall neglect to pay his, her or their rateable calls as aforesaid, for the space of two calendar months after the time appointed for the payment thereof as aforesaid, then he, she, or they shall forfeit his, her, and their respective share and shares in the said undertaking, and all the profit and benefit thereof ; all which forfeitures shall go to the rest of the Company of Proprietors of the said undertaking, their successors and assigns, in trust for, and for the benefit of the said Proprietors in proportion to their respective interests.

Penalty on
not paying
calls.

No advantage
to be taken of
any forfeiture
of any shares
of the said un-
dertaking, un-
less forfeited at
some general
meeting of the
said Company
of Proprietors.

XXXIII. Provided always, and be it enacted, 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 Railroad or undertaking.

XXXIV.

XXXIV. And be it enacted, 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 Board of Directors as aforesaid, and to elect others to be of the Board of Directors in the room of those who shall die, resign or be removed, and to remove any other officer or officers under them, and to revoke, alter, amend or change any of the rules and directions hereinbefore prescribed with regard to their proceedings amongst themselves (the method of calling general meetings, and their time and place of assembling, and manner of voting, and of appointing Committees only, excepted,) and shall have power to make such new rules, by laws and orders, for the good government of the said Company and their servants, agents and workmen, for the good and orderly making, maintaining and using the said Rail-road and all other works connected therewith, or belonging thereto, and for the well-governing of all persons whatsoever travelling upon or using the said Rail-road, and other works, or transporting any goods, wares, merchandize or other commodities thereon; and to impose and inflict such reasonable fines or forfeitures upon the persons guilty of a breach of such new rules, by-laws or orders as to such general meeting shall seem meet, not exceeding the sum of twenty-five pounds, current money of the Province, for every offence; such fines or forfeitures to be levied and recovered by such ways and means as are hereinafter mentioned; which said rules, by-laws and orders, being put into writing under the common seal of the said Company of Proprietors, shall be published at least twice in the *Gazettes*, and in any other paper published in the French language as aforesaid, and affixed in the office of the said Company of Proprietors, and in all and every of the places where 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, by-laws and orders so made and published as aforesaid, shall be binding upon and observed by all parties, and shall be sufficient in any Court of law or equity to justify all persons who shall act under the same.

Company of Proprietors may remove any person chosen upon such Board of Directors, and elect others in case of death, &c.

XXXV. And be it enacted, That it shall and may be lawful to and for the several proprietors of the said Rail-road or undertaking to sell or dispose of his, her or their share or shares therein, subject to the rules and conditions herein mentioned, and every purchaser shall have a duplicate of the deed of bargain and sale and conveyance made unto him or her, and one part of such deed, duly executed by seller and purchaser, shall be delivered to the said Committee or their Clerk for the time being, to be filed and kept for the use of the said Company, and an entry thereof shall be made in a book or books to be kept by the said Clerk for that purpose, for which no more than one shilling and three pence shall be paid, and the said Clerk is hereby required to make such entry accordingly; and until such duplicate of such deed shall be so delivered to the said Committee

Proprietors of the said Rail-road may dispose of their shares.

or

or their Clerk, and filed and entered as above directed, such purchaser or purchasers shall have no part or share of the profits of the said undertaking, nor any interest for the said share or shares, paid unto him, her or them, nor any vote as a proprietor or proprietors.

Form of the
sale of the
shares.

XXXVI. And be it enacted, That the sale of the said shares shall be in the form following, varying the names and descriptions of the contracting parties as the case may require.

“ I, A. B, in consideration of the sum of _____ paid to me by C. D.
of _____ do hereby bargain, sell and transfer to the said C. D.
share (or shares) of the Stock of the “ Saint Lawrence and Atlantic Rail-road,”
to hold to 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 of the said _____ (share or shares) subject to the
same rules, orders and conditions. Witness, our hands and seals, this
day of _____ in the year _____.”

Directors may
appoint a
Treasurer and
Clerk, &c.

XXXVII. And be it enacted, That it shall and may be lawful to and for the said Board of Directors, and they are hereby authorized from time to time to nominate and appoint a Treasurer or Treasurers, and a Clerk or Clerks to the said Company, taking such security for the due execution of their respective offices as the said Board of Directors shall think proper ; and such Clerk 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 time to time become owners and proprietors of, or entitled to any share or shares therein, and of all the other acts, proceedings and transactions of the said Company of Proprietors, and of the Committee for the time being, by virtue of, and under the authority of this Act.

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

The rates.

XXXVIII. And be it enacted, That it shall and may be lawful to and for the said Company of Proprietors, and their successors and assigns, from time to time, and at all times hereafter, to ask, demand, take and recover, to and for their own proper use and behoof, for all goods, wares, merchandize and commodities, of whatever description, transported upon the said Rail-road, five pounds, currency of this Province per ton weight, and for every passenger thirty shillings, currency, the said rates to be paid respectively for the whole distance from the River Saint Lawrence to the Province Line as aforesaid, and so in proportion for each mile of the said distance, and shall be paid to such person or persons, and at such place or places near to the said Rail-road, in such manner and under such regulations

as the said Company of Proprietors or their successors shall direct and appoint, and in case of denial or neglect of payment of any such rates or dues, or any part thereof, on demand, to the person or persons appointed to receive the same as aforesaid, the said Company of Proprietors may sue for and recover the same in any Court having competent jurisdiction, or the person or persons to whom the said rates or dues ought to be paid, may, and he is, and they are hereby empowered to seize and detain such goods, wares, merchandize or other commodities, for or in respect whereof such rates or dues ought to be paid, and detain the same until payment thereof; and in the mean time the said goods, wares, merchandize or other commodities, to be at the risk of the owner or owners thereof, and the said Company of Proprietors shall have full power, from time to time, at any general meeting, to lower or reduce all or any of the said rates and dues, and again to raise the same, not exceeding the sums above mentioned, as often as it shall be deemed necessary for the interests of the said undertaking.

XXXIX. And in order to ascertain the amount of clear profits of the said undertaking: Be it therefore enacted, That the said Company or the Committee for managing the affairs of the said Company, shall and they are hereby required to cause a true, exact and particular account to be kept and annually made up and balanced on the thirtieth day of November in each year, of the money collected and received by the said Company, or by the Committee or Treasurer of the said Company, or otherwise, for the use of the said Company, by virtue of this Act, and of the charges and expenses attending the erecting, 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 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 meetings shall declare otherwise, and such division shall be at and after the rate of so much per share upon the several shares held by the Members thereof, in the joint stock of the said Company, as such meeting or meetings shall think fit to appoint or 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.

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

Proviso.

XL. Provided always, and be it enacted, That from and after the expiration of the first entire year, ending on the thirtieth day of November, after the said Rail-road shall have been completed and opened, the several rates by this Act granted, shall yearly and every year be regulated by the amount of dividends which the said Company shall have declared for the preceding year, that is to say, if the said Company

After the expiration of the first entire year ending 30th November after the said Rail-road is completed,

the several rates to be yearly regulated by the amount of dividends declared in the preceding year. A Tax to be paid to the Government on all the net income above six pounds per share.

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

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

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

Company shall have declared for the preceding year a dividend not exceeding six pounds, currency, on each and every share in the said undertaking, the said Company shall be and they are hereby authorized and empowered to demand and receive not exceeding the maximum rates by this Act granted, but when and so often as the said Company shall have declared for the preceding year a dividend to a greater amount than six pounds per share, the said Company shall and they are hereby directed and required to pay over, as a Tax to the Provincial Treasury, one moiety of the net income from the said Rail-road accruing thereafter over and above the said six pounds per share, first payable to the said Proprietors.

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

XLII. Provided always, and be it enacted, That it shall and may be lawful to and for the said Company of Proprietors, their successors and assigns, from time to time at any General Meeting of the said Proprietors, to make such By-Law or By-Laws for ascertaining and fixing the price or sum or sums of money to be charged or taken for the carriage of any parcel not exceeding one hundred and twenty pounds weight as aforesaid, upon the said Rail-road, or any part thereof, as to them shall seem fit and reasonable; and that the said Company of Proprietors, and their successors and assigns, shall from time to time print and stick up, or cause to be printed and stuck up in their office, and in all and every of the places where the tolls, rates and dues are to be collected, in some conspicuous place there, a printed paper ascertaining and particularising 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.

XLIII. And be it enacted, 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 lands 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,

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.

XLIV. And be it enacted, 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 sides thereof, denoting the distances, to be erected and for ever after maintained, at the distance of every mile from each other.

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

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

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

XLVI. And whereas several persons have subscribed, or may hereafter subscribe, to advance money towards carrying the purposes of this Act into execution: Be it therefore enacted, That the several person and persons who have subscribed, or who shall hereafter subscribe to advance any money for and towards making and maintaining the said Rail-road and other works connected therewith, shall and they are hereby required to pay the sum or sums of money by them respectively subscribed, or such parts or portions thereof as shall from time to time be called for by the said Company of Proprietors, under and by virtue of the powers and directions of this Act, to such person or persons, and at such times and places as shall be directed by the said Company of Proprietors or the said Committee, in manner before mentioned, and in case any person or persons shall neglect or refuse to pay the same at the time and in 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.

Company of Proprietors may compel the persons subscribing to pay the amount of their shares.

XLVII. And be it enacted, That all fines and forfeitures inflicted by this Act, or which shall be inflicted by virtue of any rule, order or by-law, to be made in pursuance thereof, (of which rule, order or by-law, when produced, all Justices are hereby required to take notice,) the levying and recovering of which fines and forfeitures are not particularly herein directed, shall, upon proof of the offence before any one or more Justice or Justices of the Peace for the District, 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

Forfeitures under this Act, how to be recovered and applied.

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 or penalties by this Act imposed and inflicted, or authorized to be imposed and inflicted, the application whereof is not hereinbefore particularly directed, shall be paid into the hands of the Treasurer or Receiver of the moneys to be raised by virtue of this Act, and shall be applied and disposed of for the use of the said Railroad or undertaking, and the overplus of the money raised by such distress and sale, after deducting the penalty, and the expenses of the levying and recovering thereof, shall be rendered to the owner of the goods so distrained and sold; and for want of sufficient goods and chattels whereof to levy the said penalty and expenses, the offender shall be sent to the common gaol for either of the Districts of Quebec, Montreal or St. Francis, there to remain without bail or mainprize for such term not exceeding one month, as such Justice or Justices shall think proper, unless such penalty or forfeiture, and all expenses attending the same, shall be sooner paid and satisfied.

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

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

Limitation of
actions.

XLIX. And be it enacted, That if any action or suit shall be brought or commenced against any person or persons for any thing done or to be done in pursuance of this Act, or in the execution of the powers and authorities, or the orders and directions hereinbefore given, or granted, every such action or suit shall be brought or commenced within six 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 shall and may plead the general issue, and give this Act and the special matter in evidence at any trial to be held thereupon, and that the same was done in pursuance and by the authority of this Act, and if it shall appear to have been so done, or if any action or suit shall be brought after the time so limited for bringing the same, or if the Plaintiff or Plaintiffs shall be non-suit, or discontinue his, her or their action or suit after the Defendant or Defendants shall have appeared, or if judgment shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall have full costs, and shall have such remedy for the same as any Defendant or Defendants hath or have for costs of suit in other cases by law.

L. And be it enacted, 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 Richelieu or of the land covered with the waters of the River Saint Lawrence or of any other river or stream, or of their respective beds, as may be found necessary for the making and completing, or more conveniently using the same, and thereon to erect such wharves, quays, inclined planes, cranes and other works, as to the said Company shall seem meet: Provided always, that nothing herein contained shall extend or be construed to extend to authorize the Company of Proprietors to take or appropriate for the use of the said Rail-road, or in constructing or making the same, any part of the bank of the said River Richelieu, or of the land covered with the said River Richelieu, within the distance of one thousand four hundred feet English measure above the bridge across the said River Richelieu, at the Port of Dorchester or Saint John's, unless with the approbation and consent of the Commissioners appointed under an Act passed in the third year of the Reign of His late Majesty King George the Fourth, chapter forty-one, for making a navigable Canal from, at or near the said Town of Saint John's to the Basin of Chambly, nor within three miles from the bridge across the said River Richelieu in the County of Chambly, at the said Town of Dorchester or Saint John's, commonly called Jones' Bridge, unless with the consent of the Proprietors thereof.

Company may take so much of the land covered with the waters of the River Richelieu and waters of the Saint Lawrence, or of any other river or stream, for the use of the said Rail-road as may be needed.

Proviso.

LI. And be it enacted, That the said Company of Proprietors, to entitle themselves to the benefits and advantages to them granted by this Act, shall and they are hereby required to make and complete the said Rail-road from the navigable waters of the River Saint Lawrence to the Province Line as aforesaid, in manner aforesaid, within ten years from the passing of this Act; and if the same shall not be so made and completed within the said period, so as to be used by the public as aforesaid, then this Act and every matter and thing therein contained, shall cease and be utterly null and void: Provided always, that if the Rail-road herein-before mentioned as leading from the said Rail-road hereby authorized to be made to the said Boundary Line in the Township of Stanstead or elsewhere in the County of Stanstead, shall not also be made and completed within the period of ten years so as to be used by the public as aforesaid, then this Act and every matter and thing therein contained shall cease and be utterly null and void so far as the said Rail-road connecting with the Township or County of Stanstead is concerned: And provided also, that if the Branch of the said Rail-road leading from the said City of Quebec to connect with the said Rail-road as aforesaid, shall not be so made and completed within a further period of ten years, so as to be used by the public as aforesaid, then this Act and every matter and thing therein contained shall cease and be utterly null and void as far as the said Branch is concerned.

Rail-road to be completed within a certain time, or this Act void.

Company annually to submit to the Legislature detailed accounts.

LII. And be it enacted, That the said Company shall annually submit to the three Branches of the Legislature, within the first fifteen days after the opening of each Session of the Provincial Parliament, a detailed and particular account, attested upon oath, of the moneys by them received and expended under and by virtue of this Act, with a statement of the amount of tonnage and of passengers that have been conveyed along the said road.

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

LIII. And be it enacted, 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.

Public Act.

LIV. And be it enacted, That this Act shall be deemed and taken to be a Public Act, and as such shall be judicially taken notice of by all Judges, Justices of the Peace and others, without being specially pleaded.

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