

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 for and notwithstanding any thing in any Act authorizing the construction of any Rail-road or Rail-way in this Province, or in any Act amending any such Act, each and every Company incorporated for the purpose of constructing any Rail-road or Rail-way, and in whose Act of Incorporation, or in any Act amending the same, a provision to the effect of that mentioned in the preamble to this Act is inserted, shall at all times, when thereunto required by Her Majesty's Deputy Post-Master General, the Commander of the Forces, or any person having the Command or Superintendence of any Police Force, and with the whole resources of the Company if necessary, carry Her Majesty's Mail, Her Majesty's Naval or Military Forces or Militia, and all Artillery, Ammunition or other Stores for their use, and all Policemen, Constables, and others travelling on Her Majesty's Service, on their Rail-road or Rail-way; and shall, on being thereunto required as aforesaid, place any Electric Telegraph erected by them or belonging to them at the disposal of Her Majesty's Government, or of any such Officer as aforesaid; and all such services shall be performed on such terms and conditions, and under such regulations as the Company and the Deputy Post-Master General, the Commander of the Forces, or the person in Command of any Police Force, respectively shall agree upon, or if they cannot agree, then upon such terms and conditions and under such regulations as the Governor, or person Administering the Government, shall in Council make; and so much of any such Act as aforesaid as provides that such Company shall not, in performing any of the services aforesaid, be required to start any Train or Steamboat at any other time than their ordinary time of starting the same, shall be and is hereby repealed.

II. And be it enacted, That for and notwithstanding any thing to the contrary in the Act incorporating any such Company as aforesaid, or in any Act amending such Act, no By-law of such Company, by which any Tolls shall be imposed or altered, or by which any party other than the Members, Servants and Officers of the Company are intended to be bound, shall have any force or effect until the same shall have been approved and sanctioned by the Governor in Council.

### C A P . X X I X .

An Act to provide for affording the Guarantee of the Province to the Bonds of Rail-way Companies on certain conditions, and for rendering assistance in the construction in the Halifax and Quebec Rail-way.

[ 30th May, 1849. ]

**W**HEREAS at the present day, the means of rapid and easy communication by Rail-way, between the chief centres of population and trade in any country and the more remote parts thereof, are become not merely advantageous, but essential to its advancement and prosperity; And whereas experience has shown, that whatever be the case in long settled, populous and wealthy countries, in those which are new and thinly

Every Rail-way Company in whose Act of Incorporation there is a provision inserted that the Rail-way shall be subject to any general law, shall be bound on being thereunto required to render certain services to the government in the conveyance of the Troops, Mails, Police forces, &c.

As to Electric Telegraphs belonging to such Company.

Conditions of such services how regulated.

Certain inconsistent provisions in such Acts repealed.

By-laws of such Company imposing Tolls, or affecting others than members, not to be valid until sanctioned by the Governor in Council.

Preamble

Guarantee of the Province may be granted to loans raised by Rail-way Companies on certain conditions.

First hypothec and privilege in favor of the Province.

Rail-way Companies receiving such guarantee to render half yearly accounts, to the Inspector-General, attested on oath.

Sinking Fund monies how to be invested.

thinly peopled and in which capital is scarce, the assistance of Government is necessary and may be safely afforded to the construction of lines of Rail-way of considerable extent ; and that such assistance is best given by extending to Companies engaged in constructing Rail-ways of a certain length, under Charter from, and consequently with the approval of the Legislature, the benefit of the guarantee of the Government, under proper conditions and restrictions, for loans raised by such Companies to enable them to complete their work : Be it therefore 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 it shall be lawful for the Governor in Council, on behalf of this Province, to guarantee the interest on loans to be raised by any Company chartered by the Legislature of this Province for the construction of a Line of Rail-way not less than seventy-five miles in extent, within this Province, on condition,—That the rate of interest guaranteed shall not exceed six per cent. per annum,—that the sum on which interest shall be so guaranteed shall not be greater than that expended by the Company before the guarantee is given, and shall be sufficient to complete their road in a fitting manner, and to the satisfaction of the Commissioners of Public Works, provided always, that no such guarantee be given to any Company until one-half of the entire line of Road shall have been completed,—that the payment of the interest guaranteed by the Province shall be the first charge upon the Tolls and profits of the Company, and that no dividend shall be declared so long as any part of the said interest remains unpaid,—that so long as any part of the principal on which interest is guaranteed by the Province remains unpaid, no dividend shall be paid to the Stockholders, until a sum equal to three per cent. on the amount so remaining unpaid, shall have been set aside from the surplus profits of such Rail-road, and paid over to the Receiver-General under the provisions hereinafter contained as a Sinking Fund for the redemption of the debt on which interest is guaranteed as aforesaid,—and that the Province shall have the first hypothec, mortgage and lien upon the Road, Tolls and Property of the Company for any sum paid or guaranteed by the Province, excepting always, the hypothec, mortgage or lien of holders of bonds or other securities on which interest is guaranteed by the Province, for the interest so guaranteed and the principal on which it shall accrue.

II. And be it enacted, That each Rail-way Company, deriving any aid or advantage under this Act, shall make up and render to the Inspector-General of Public Accounts of this Province, each half year, a true account in writing of the affairs of such Company, in such form and with such particulars as the said Inspector-General shall from time to time require, which said Accounts shall be signed by the President and the Directors of the said Company, or a quorum of that body, and shall be sworn to by the parties signing the same before one of the Judges of the Superior Courts of common law jurisdiction in Upper-Canada, or one of the Judges of the Court of Superior Civil Jurisdiction in Lower-Canada, and the said Company or the proper officer thereof shall, within ten days after the rendering of such account, pay over such amount as may be payable under the provisions of this Act to the Receiver-General of this Province.

III. And be it enacted, That the sum or sums of money hereinbefore provided to be taken from the surplus profits of any Rail-road as a Sinking Fund, shall be invested by the

the Inspector-General of this Province in such securities of this Province as may be approved by the Governor in Council ; Provided always, that it shall be lawful for the Directors of any such Company to make such By-laws as may be requisite to prevent the provision of this Act in respect of such Sinking Fund from bearing unequally upon any class of Stockholders.

Proviso.

IV. And be it enacted, That, provided the conditions mentioned in the foregoing Section be observed, it is expedient that such guarantee be afforded under such further terms and conditions as may be deemed necessary by the Governor in Council and agreed to by the Company applying for such guarantee, it being clearly understood, that no enactments which the Legislature may thereafter make, to ensure the observance of such terms and conditions, or to give effect to the privileged claim and lien of the Province upon the Road, Tolls and Property of the Company, or to secure the Province from loss by such guarantee, shall be deemed an infringement of the rights of the Company.

Further conditions may be agreed upon by the Governor in Council and the Company.

V. And whereas the proposed Rail-way between Halifax and Quebec will be a great national work, linking together the several portions of the British Empire on the continent of North America, and facilitating the adoption of an extensive, wholesome and effective system of Emigration and Colonisation, and it is right that Canada should render such assistance as her means will admit of towards the accomplishment of a work so important and promising results so beneficial ; Be it therefore enacted, That if Her Majesty's Government shall undertake the construction of the said Rail-way, either directly or through the instrumentality of a private Company, it shall be lawful for the Governor in Council, on behalf of this Province, to undertake to pay yearly, in proportion as the work advances, a sum not exceeding twenty thousand pounds sterling towards making good the deficiency (if any) in the income from the Rail-way, to meet the interest of the sum expended upon it, and to place at the disposal of the Imperial Government all the ungranted lands within the Province lying on the line of the Rail-way, to the extent of ten miles on each side thereof, and to undertake to obtain, pay for and place at the disposal of the Imperial Government, all the land required within the Province for the line of the Rail-way, and for proper Stations and Termini.

Recital.

Aid to the Quebec and Halifax Rail-way.

VI. And be it enacted, That any lands to be taken under the provisions of the next preceding Section, for the purposes therein mentioned, shall be deemed to be lands required for Public Provincial Works, and may be taken by the Commissioners of Public Works under the provisions of the Act passed in the ninth year of Her Majesty's Reign, and intituled, *An Act to amend the Law constituting the Board of Works*, and of any Act amending the same.

Under what provisions lands may be taken, for the Quebec and Halifax Rail-way.

9 V. c. 37.

VII. And be it enacted, That any monies which shall be payable on behalf of the Province under any of the provisions of this Act, may be paid out of any unappropriated monies forming part of the Consolidated Revenue Fund ; and that all monies due by any Company as having been paid for them under any guarantee given under this Act, shall be deemed monies due by such Company to Her Majesty, payable according to the provisions of this Act, and the conditions agreed upon by the Governor in Council and such Company.

As to monies advanced under this Act.