

Laws of Her Majesty's Province of United Canada, passed in the year 1846. Montreal:
Stewart Derbishire & George Desbarats, 1846.

9 Victoria – Chapter 79

An Act to amend the Act incorporating the Saint Lawrence and Atlantic Rail-road Company. 9th June, 1846.

Whereas it is expedient to make certain amendments in the Act hereinafter mentioned: 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 notwithstanding any thing in the thirty-eighth section, or in any other part of the Act passed in the eighth year of Her Majesty's Reign, and intituled, *An Act to incorporate the Saint Lawrence and Atlantic Rail-road Company*, the said Company may from time to time reduce the Tolls on the whole or on any particular portion of the said Rail-road, and may again raise the same, so as to accommodate them to the circumstances of the traffic, provided they do not exceed the rates allowed by the said section, but that the Tolls to be demanded and taken by the Company thereby incorporated, shall be at all times charged equally to all persons, and after the same rate, whether per ton, per mile, or otherwise, in respect of all passengers and of all goods or carriages, of the same description, and conveyed or propelled by a like carriage or engine, passing only over the same portion of the line of Railway under the same circumstances; and no reduction or advance in any such Tolls shall be made directly or indirectly, in favor of or against any particular Company, person or party, travelling upon or using the Rail-road, or so as collusively and unfairly to create a monopoly, either in the hands of the said Company, or of any other Company, person or party.

II. And be it enacted, That notwithstanding any thing in the fiftieth section or in any other part of the said Act, it shall not be lawful for the said Company to cause any obstruction in, or to impede the free navigation of the River Saint Lawrence, or of the River Richelieu, or of any other River or Stream to or across which their Rail-road shall be carried; and if the said Rail-road shall be carried across any navigable river, the said Company shall leave such openings between the piers of their bridge or viaduct over the same, and shall construct such draw-bridge or swing-bridge over the channel of the river, and shall be subject to such regulations with regard to the opening of such draw-bridge or swing-bridge, for the passage of vessels and rafts, as the Governor in Council shall direct and make from time to time; nor shall it be lawful for the said Company to construct any wharf, bridge, pier, or other work upon the public beach or bed of any navigable river or stream, or upon the land covered with the waters thereof, until they shall have submitted the plan of such work to the Governor of this Province in Council, nor until the same shall have been approved by him in Council as aforesaid.

III. And be it enacted, That by any regulations to be made by the Governor in Council, touching any such draw-bridge or swing-bridge as aforesaid, penalties not exceeding ten pounds, in any case, may be imposed for the contravention thereof; and such penalties shall be recoverable from the said Company, or from any of their Officers or servants by whom the regulations shall have been contravened, in the manner provided with regard to other penalties by the forty-seventh section of the said Act; and an appeal shall be allowed to any person deeming himself aggrieved by the infliction of any such penalty, according to the provisions of the forty-eighth section of the said Act; and one moiety of every such penalty shall belong to Her Majesty for the public uses of the Province, and the other moiety to the prosecutor or person suing for the same.

IV. And be it enacted, That this Act shall be deemed a Public Act, and judicially noticed accordingly; and that the words "Governor in Council," whenever they occur herein, shall be understood to mean the Governor, Lieutenant-Governor, or person administering the Government of this Province, acting by and with the advice of the Executive Council thereof.