

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

9 Victoria – Chapter 81

An Act to alter and amend the Charter of the Great Western Rail-road Company. 9th June, 1846.

Whereas by an Act passed by the Legislature of Upper Canada, in the fourth year of the Reign of His late Majesty King William the Fourth, intituled, An Act to incorporate certain persons under the style and title of the London and Gore Rail-road Company, several persons were incorporated under such style and title, for making and maintaining the said Rail-road, with power to raise a capital by subscription for that purpose; And whereas by another Act passed by the Legislature in the eighth year of the Reign of Her present Majesty, intituled, *An Act to revive certain provisions of the Act incorporating The Great Western Rail-road Company*, and to enable them to carry on that work, the corporate name of the said Company was changed to that of The Great Western Rail-road Company, and further powers were granted to them with reference to the said undertaking, and it was thereby enacted that the capital of the said Company might be equal to, but should not exceed one million, five hundred thousand pounds, currency, to be held in sixty thousand shares of twenty-five pounds, currency, each; And whereas five thousand only of the said sixty thousand shares authorized to be created as aforesaid have been subscribed for by persons resident in Canada, and the remaining fifty-five thousand of the said sixty thousand shares have been subscribed for by persons resident in Great Britain; And whereas it is expedient that the said recited Acts should be altered in the manner hereinafter mentioned for the purpose of affording a just and proper protection to the English Shareholders of the Company in respect of their shares therein: 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 the provisions of the said recited Acts so far as they are inconsistent with this Act and the provisions herein contained, shall be, and the same are hereby repealed.

II. And be it enacted, That the persons who are for the time being to be considered the English Shareholders of the Company, and the shares in respect of which they are respectively to be considered such Shareholders, Shall be distinguished in the manner hereinafter mentioned from the persons who are for the time being to be considered the Canadian or other Shareholders of the Company, and the shares in respect of which they are respectively to be considered such Shareholders.

III. And be it enacted, That William James Chaplin, Charles Devaux, Henry John Eathoven, Abel Lewis Gower, George Hudson, Samuel Laing, John Masterman, John Moss, Thomas Smith, Matthew Uzielli, and Gregory S[illegible]ale Walters, or such other persons not exceeding eleven in number as shall from time to time be appointed in such manner as shall be agreed upon by the English Shareholders, shall form and be a Corresponding Committee in London, and shall have and

exercise such authority and control as is hereinafter mentioned in and over the management of the affairs of the Company for the protection of the interest of the English Shareholders.

IV. And be it enacted, That it shall be lawful for the Corresponding Committee to have an office in London, with a Secretary, and such establishment as shall be, requisite for enabling them to discharge the functions of their office; and all the expenses of the said office and Secretary, and of such establishment as aforesaid, and all expenses which shall be incurred by the Corresponding Committee in any wise relating to the affairs of the Company shall be paid out to the general funds of the Company, but such expenses shall be regulated by all reasonable economy.

V. And be it enacted, That such a yearly sum as a General Meeting of the Company shall from time to time direct, but not less than five hundred pounds, nor more than one thousand five hundred pounds, in any one year, shall be set apart and paid out of the general funds of the Company as a remuneration to the members of the Corresponding Committee for their time and labour in attending to the affairs of the Company, and shall be divided amongst such members in such manner as they shall agree upon.

VI. And be it enacted, That when and so often as any change shall take place as to the persons who shall for the time being form the Corresponding Committee, such change shall be certified to the Directors of the Company in Canada by some writing to be signed by three of the persons who shall have formed the Corresponding Committee immediately previously to such change taking place, and the persons who shall from time to time be certified in manner aforesaid to be the members forming the Corresponding Committee, shall be considered and treated as such Committee by the Directors of the Company in Canada.

VII. And be it enacted, That the Corresponding Committee shall cause the names and places of residence of the persons who have subscribed for the said fifty-five thousand shares in the Company so subscribed for by persons resident in Great Britain as aforesaid, and the number of shares belonging to each of such subscribers, and the proper number of each share, to be entered in a book to be kept by the Corresponding Committee for that purpose and to be called "The English Share Register Book," and shall from time to time cause entries or alterations to be made in such book, as the transfer or transmission of shares in the Capital of the Company and other circumstances shall make it necessary, in order that the same book may at all times shew who are for the time entitled to the rights of and are to be considered as the English Shareholders of the Company, and in respect of what shares they are to be considered such Shareholders; and copies of the same book and of the entries or alterations which shall from time to time be made therein as aforesaid, shall be signed by three of the members of the Corresponding Committee and be regularly transmitted to the Directors of the Company in Canada, and the persons who shall thereby appear to be for the time being the English Shareholders of the Company in respect of the shares thereby appearing to be held by them respectively, shall be considered and treated by the Directors as being the English Shareholders in respect of such shares, and the Directors of the Company in Canada shall at all times keep a separate and distinct Register of such English Shareholders and of the shares which may for the time being be held by them respectively, so as to distinguish the English Shareholders of the Company and the shares which may for the time

being be held by them respectively, from the other or Canadian Shareholders of the Company and the shares which may for the time being be held by them respectively.

VIII. And be it enacted, That it shall be lawful for any person who shall for the time being be an English Shareholder of the Company in respect of any share or shares, if he shall so desire, to become a Canadian Shareholder in respect of such share or shares, instead of being, an English Shareholder in respect thereof, and upon such Shareholder giving notice to the Corresponding Committee of such desire, the Corresponding Committee shall, as soon as conveniently may be, transmit such notice to the Directors of the Company in Canada, and the Corresponding Committee and the said Directors, respectively, shall thereupon and they are hereby required to make such entries or alterations in the Share Register Books to be kept by them respectively, as shall be necessary for the purpose of shewing the change which shall have taken place in respect of such share or shares; and it shall be lawful for any person Who' shall for the time being be a Canadian Shareholder in the Company in respect of any share or shares, if he shall so desire, to become an English Shareholder in respect of such share or shares, instead of being a Canadian Shareholder in respect thereof, and upon such Shareholder giving notice to the Directors of the Company in Canada of such desire, the Directors shall, as soon as conveniently may be, transmit such notice to the Corresponding Committee, and the said Directors and the Corresponding Committee, respectively, shall thereupon and they are hereby required to make such entries or alterations in the Share Register Books to be kept by them, respectively, as shall be necessary for the purpose of shewing the change which shall have taken place in respect of such share or shares: Provided always, and be it enacted, That until such entries or alterations as aforesaid shall be made in the said Share Register Books both by the Directors of the Company in Canada and the Corresponding Committee, every English Shareholder desiring to become a Canadian Shareholder in respect of any share or shares, and every Canadian Shareholder desiring to become an English Shareholder in respect of any share or shares, shall be considered and treated as being a Shareholder in respect of such share or shares of that class to which he shall have appeared to belong according to the said Share Register Books immediately before he shall have given such notice as aforesaid.

IX. And be it enacted, That it shall not be lawful for the Directors of the Company in Canada, without the confirmation of the Corresponding Committee, to do any act, matter or thing in the management by them of the affairs of the Company in any of the following particulars, that is to say:

First. Contracts where the subject matter shall be of the amount or value of £10,000 sterling or upwards.

Secondly. Appointments or employments where the salary or remuneration shall be at the rate of £150 sterling a year or upwards.

Thirdly. The fixing of the Rates of Tolls and Fares, and all general alterations therein.

Fourthly. The forfeiture of Shares of English Shareholders.

Fifthly. Extensions or alterations of the line of the Rail-road, and all other extensions or alterations in the nature of the undertaking.

Sixthly. Applications to the Legislature for any alteration in the Company's Acts or any of them.

Seventhly. The amount of, or any alteration in the times of making dividends.

Eighthly. Alterations in the amount or constitution of the Capital of the Company.

Ninthly. The contracting, discharging or altering the terms of any permanent loan, to be made by or to the Company.

Tenthly. Any other matters as to which such confirmation as aforesaid, may at any time or times be found necessary or expedient for the protection of the English Shareholders, and which may from time to time be agreed upon between the Directors of the Company in Canada and the Corresponding Committee.

X. Provided always, and be it enacted, That the decision of the Corresponding Committee upon any matter submitted to them for confirmation shall be transmitted from England for the Directors, within twenty-one days after the receipt at the office of the Corresponding Committee of the communication or despatch submitting such matter for confirmation, or within the period of forty days after the receipt at the said office of such communication or despatch, in case the Corresponding Committee shall, within fourteen days after the receipt thereof at the said office send a notification to the Directors in Canada, signifying their intention of submitting such matter to a General Meeting of the English Shareholders.

XI. And be it enacted, That all communications and despatches which shall be transmitted from the Corresponding Committee to the Directors, and purporting to be the resolutions or Acts of such Committee or a majority of them, shall be signed by three of the members of the Committee, and all communications and despatches so signed shall be considered and treated by the Directors as the resolutions and acts of such Committee, and be binding accordingly.

XII. And be it enacted, That the Corresponding Committee shall have power to make from time to time all such By-laws and Regulations for their own government, and for promoting and effecting the objects of their constitution, as to them shall seem expedient, and they shall have power, with the concurrence of the English Shareholders, to make and carry into effect all such regulations as they may deem expedient with respect to holding meetings of the English Shareholders, making reports and other communications to them, and generally with such concurrence as aforesaid to do all such acts, matters and things as they may think fit for the management of the affairs of the Company in England, and for the protection of the interests of the English Shareholders.

XIII. And be it enacted, That a general meeting of the Company shall be called at any time by the Directors upon the receipt by them of a requisition to that effect signed by any Shareholder or

Shareholders holding in the aggregate not less than one thousand shares in the Company, and every such requisition shall specify the object for which such meeting shall be required to be called, and the Directors shall thereupon give such notice of such meeting as is hereinafter mentioned, and shall specify in such notice the object for which the meeting is required to be held.

XIV. And be it enacted, That the Directors shall be subject to the control and authority of the general meetings in the management of the affairs of the Company.

XV. And be it enacted, That every Shareholder of the Company shall be entitled to appoint any person whomsoever being also a Shareholder to vote and act for him or her by proxy at the general meetings of the Company, according to the number of votes which the persons appointing such proxy shall be entitled to according to the rates of voting which shall for the time being be prescribed by the act or acts of the Company; but no vote or act by proxy of any English Shareholder shall be admitted, unless the person appointed to vote or act as the proxy of such Shareholder shall be nominated by writing under the hand of the Shareholder availing himself or herself of his or her right to vote or act by proxy, and such nomination in writing shall be signed by one at least of the members of the Corresponding Committee or their Secretary, and such proxy shall either continue in force only for the particular meeting for which the same shall have been given, and for every adjournment of such meeting, or shall continue in force for such meetings or for such time as the Shareholder giving such proxy shall thereby direct.

XVI. And be it enacted, That every Shareholder who shall have and appoint such proxy as aforesaid, shall during all such time as such proxy shall be in force be considered as present by such proxy, and all the votes and acts of the proxy in that capacity shall be as valid and effectual as the votes and acts of the Shareholder who appointed such proxy would have been if such Shareholder had been present and voted or acted in his or her own person.

XVII. And be it enacted, That the Directors of the Company in Canada shall transmit from Canada for the Corresponding Committee at their office in London, notice of the holding of every general meeting sixty days at the least before the day appointed for the holding of such meeting, and every such notice shall specify the particular object for which such meeting shall have been called, and the nature of the matters intended to be discussed or determined at such meeting: Provided always, that the Directors may call any general meeting upon giving any less extended notice to the Corresponding Committee of the same, whenever they shall be authorized so to do by a resolution of the Corresponding Committal.

XVIII. And be it enacted, That all candidates for the office of Director or any other office which shall according to the constitution of the Company be filled by the election of the general meetings, shall leave at the office of the Company in Canada notice in writing of their intention to become such candidates sixty-five days at the least previously to the day of election, and the names of such candidates shall with all convenient speed be from time to time transmitted by the Directors to the Corresponding Committee, and if at any meeting the number of candidates who shall give such notice as aforesaid, shall be sufficient to fill all the offices which shall have to be filled by election at such meeting, no other candidates than those who shall have given such notice shall be

proposed at such meeting, but if by reason of neglect to give such notice as aforesaid, or the retirement or death of any candidates after giving such notice, or for any other cause, there shall be at the meeting a deficiency of candidates who shall have given such notice to fill the offices which shall have to be filled up at such meeting, then and in such case it shall be lawful for any Shareholder or Shareholders representing in the aggregate either personally or by proxy ten votes, to propose and nominate any candidate or candidates for any office or offices for which there shall be a deficiency of candidates who shall have given such notice as aforesaid.

XIX. And be it enacted, That after the three first calls shall have been made, no call shall be made less than sixty days before the time fixed for payment of such call, and that immediately after any call shall have been made, the Directors of the Company shall transmit notice thereof to the Corresponding Committee, who shall thereupon with all convenient speed give notice of such call to the English Shareholders, and the calls of the English Shareholders shall be paid to the Company's Bankers in London, to the credit of the Company.

XX. And be it enacted, That subject to the provisions herein contained, it shall be lawful for the Directors of the Company to declare any share or shares in respect of which any call shall remain unpaid after the time fixed for payment of the same, to be forfeited, and the same shall, unless such forfeiture shall be waived in the manner hereinafter mentioned, be forfeited accordingly, and be sold by the Directors for the benefit of the Company: Provided always, that no share of any English Shareholder shall be forfeited for the non-payment of any call if such call shall be paid within twenty-one days after notice of the making of such call shall have been received at the office of the Corresponding Committee, though such call may not be paid until after the day which shall have been fixed for the payment of the same.

XXI. And be it enacted, That it shall be lawful for the Directors of the Company from time to time to waive the forfeiture of any share or shares belonging to any Canadian Shareholder for the non-payment of any call upon such share or shares, upon condition of the payment by such Shareholder at any time before the share or shares which shall have become subject to forfeiture shall have been sold, of the amount of the call made in respect of the same, together with interest thereon at the rate of five per cent per annum, to be computed from the time at which such call ought to have been paid, and upon such other conditions (if any) in addition to the payment of such call and interest as to the said Directors shall seem reasonable; and it shall be lawful for the Corresponding Committee from time to time to waive the forfeiture of any share or shares belonging to any English Shareholder for the non-payment of any call upon such share or shares, upon condition of the payment by such Shareholder at any time before the share or shares which shall have become subject to forfeiture shall have been sold, of the amount of the call made in respect of the same, together with interest thereon at the rate of five per cent per annum, to be computed from the time at which such call ought to have been paid, and upon such other conditions (if any) in addition to the payment of such call and interest as to the Corresponding Committee shall seem reasonable.

XXII. And be it enacted, That the Directors shall make a dividend out of the profits of the Company at regular half-yearly intervals, in the months of February and August in every year, and the

amount of such dividend shall be distributed equally amongst all the shares in the Company, and the amount of the dividends of the English Shareholders shall be from time to time remitted to the Bankers of the Company in England, to be placed there at the disposition of the Corresponding Committee who shall distribute the same amongst the English Shareholders according to their respective rights and interests therein, in such manner as shall be appointed or agreed upon by the English Shareholders; and all expenses of remitting such dividends and of the distribution of the same or in any wise relating thereto shall be paid out of the general funds of the Company, to the end that the English Shareholders may receive the same amount of Dividend as the other Shareholders of the Company, in proportion to the number of Shares held by them respectively.

XXIII. And be it enacted, That the Directors of the Company in Canada shall cause minutes of all their proceedings to be entered in a book to be kept for that purpose, and shall cause full and regular accounts to be kept of all monies which shall from time to time be paid or received by them, and of all business which shall be transacted by them or by their order in any wise relating to the affairs of the Company, and shall from time to time with all convenient dispatch transmit to the Corresponding Committee at their office in England copies of all such minutes and accounts, and all such other information as may from time to time be required by the Corresponding Committee in any wise relating to the affairs of the Company.

XXIV. And be it enacted, That the Corresponding Committee shall keep full and regular accounts of all monies which shall from time to time be paid or received by them on account of, or in any wise relating to the affairs of the Company, and shall from time to time with all convenient dispatch transmit to the Directors of the Company at their office in Canada, copies of such accounts and all such other information as may from time to time be required by the Directors, in any wise relating to the affairs of the Company.

XXV. And be it enacted, That it shall be lawful for the Directors of the Company and the Corresponding Committee from time to time by agreement between themselves, to make any provisions not inconsistent with this Act or any other Act relating to the said Company, for the purpose of regulating the relative rights and interests of the English Shareholders and the Canadian or other Shareholders of the Company, and that all provisions which may be made as aforesaid shall be entered in books to be kept exclusively for that purpose by the Directors of the Company and the Corresponding Committee respectively, and that all such provisions shall, after they shall have been so entered, and after notice of the same shall have been given to the Shareholders of the Company, thirty days before the time fixed for the coming into operation thereof, either by a circular letter to be sent to each of the Shareholders, or by an advertisement to be inserted twice in at least one public newspaper to be published in the Gore, London and Western Districts, respectively, and the Canada Gazette, and twice in two daily morning London newspapers be considered as forming part of the laws of the Company, and be as binding and effectual as if the same had been expressly enacted by this Act.

XXVI. And be it enacted, That whenever any lands or grounds required by the said Company, for the purpose of the said Rail-road, are held or owned by any person or persons, bodies corporate, politic or collegiate, whose residence may not be within this Province, or unknown to the said

Company, or when the title to any such lands or grounds may be in dispute, or when the owner or owners of such lands or grounds are unwilling or unable to treat with the said Company for the sale thereof, or to appoint Arbitrators, it shall and may be lawful for the said Company, after having first given thirty days notice of such intention in some newspaper published in the District where such lands are situate, to nominate and appoint one or more indifferent person or persons, and for the Judge of the District Court for the District in which such lands or grounds are situate, on the application of the said Company to nominate and appoint an equal number of indifferent persons, who, together with one other person, to be elected by ballot by the persons so named shall be Arbitrators to award, determine, adjudge and order the respective sums of money, which the said Company shall pay to the respective persons entitled to receive the same, for the said lands or grounds, or damages as aforesaid, and the decision of the majority of such Arbitrators shall be final, which said amount so awarded the said Company are to pay or cause to be paid to the said several parties entitled to receive the same, when demanded; and also that a record of such award or arbitration shall be made up and signed by the said Arbitrators or a majority of them, specifying the amount of. such award, and the costs of such arbitration, which may be settled by the said Arbitrators of a majority of them, which record shall be deposited in the Registry Office of the County in which such lands or grounds are situated; and also that the expenses of the said arbitration shall be paid by the said Company: Provided always, that in all Arbitrations under this or any other Act relating to the said Rail-road, the Arbitrators shall take into consideration the benefit conferred on the property on which they are arbitrating, as well as the damage done to any particular portion thereof.

XXVII. And be it enacted, That whenever any lands or grounds required to be used or occupied by the said Company, shall be held under mortgage, it shall and may be lawful to and for the said Company to nominate and appoint one or more indifferent person or persons, and for the Judge of the District Court for the District in which the lands or grounds are situate, on the application of the said Company, to nominate and appoint an equal number of indifferent persons, who together with one other indifferent person to be elected by ballot by the persons so named, shall be Arbitrators to decide and assess the value of the said lands or grounds, or the amount of damage to be paid to the owner thereof as aforesaid; and upon such decision or award the said Company shall pay or cause to be paid the amount of such award to the Mortgagee, as a payment for and on account of the said mortgage; and upon such payment being so made the Mortgagor and Mortgagee are hereby required and compelled to join in conveying the said lands or grounds to the said Company or their Successors: Provided always, that when the amount of such award shall exceed the amount secured or payable on such mortgage, the said Company after the amount due on such mortgage shall be satisfied, shall pay or cause to be paid the balance of the said award to the Mortgagor, or other person or persons entitled to receive the same.

XXVIII. And be it enacted, That if the double or single iron, or wooden Rail-road or way of the said Company shall pass through tracts of land or property belonging to, or in possession of any Tribe of Indians in this Province, or if any act occasioning damage to their property or possession shall be done under the authority of this Act, compensation shall be made to them therefor in the same manner as is provided with respect to the property, possession or rights of other individuals; and that whenever it shall be necessary that Arbitrators shall be chosen by the parties for settling the

amount of such compensation the Chief Officer of the Indian Department within this Province, is hereby authorized and required to name an Arbitrator on behalf of the said Indians, and the amount which shall be awarded in any case shall be paid where such lands belong to any Tribe or body of Indians to the said Chief Officer for the use of such Tribe or body.

XXIX. And be it enacted, That whenever it shall be necessary for the said Company to occupy any part or parts of the lands or grounds belonging to the Crown or which have been at any time heretofore specially set apart and reserved, or which are designated or commonly known as Crown Lands or lands reserved for Military purposes, they shall first apply for and obtain the license and consent of Her Majesty the Queen, Her Heirs and Successors, under the hand and seal of the Governor, or person administering the Government of this Province for the time being, and having obtained such license and consent, it shall and may be lawful for them at any time or times to enter into and upon, have, hold, use and enjoy any part or parts of the said lands and grounds for the purposes of this Act or for any other purposes connected therewith.

XXX. And be it enacted, That after any lands or grounds shall be set out and taken as aforesaid, by the said Company, for the purpose of making and completing the said double or single iron or wooden Rail-road or way, or for other the purposes and conveniences aforesaid, it shall and may be lawful for all bodies corporate, politic or collegiate, corporations, communities, guardians, executors, administrators, and all other trustees or persons, 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 required as aforesaid, or any part thereof, to contract for, sell and convey unto the said Company, their successors or assigns, all or any part of such lands or grounds which may from time to time be required 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 anywise notwithstanding: and all bodies politic, corporate or collegiate, 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.

XXXI. And be it enacted, That all deeds and conveyances for lands to be conveyed to the said Company for the purposes of this Act may be, as far as the title to the said land or the circumstances of the party making such conveyance will permit in the form given in the Schedule to this Act marked A, and all Registrars are hereby authorized to enter in their Register Books such deeds on the production and proof of execution thereof without any memorial, and to minute such entry on the said deed; and the said Company are to pay to the said Registrar for so doing the sum of two shillings and six pence, and no more.

XXXII. And be it enacted, That from and after the passing of this Act it shall and may be lawful for the annual meetings of the Stockholders of the said Company, for the election of Directors, to be holden at the Town of Hamilton, in the District of Gore, notice thereof being given at least thirty

days prior to such election, in one or more newspapers in each of the Districts of London and Gore, and also in the Western District.

XXXIII. And be it enacted, That it shall and may be lawful for the Board of Directors, or a majority of them, for the time being, to make such By-laws, Rules and Regulations as they may think proper, for the junction or union of the said Company with any other Company or Companies or Association, formed under any deed or deeds of settlement in England or elsewhere, or by Charter in this Province, and for the management, direction and carrying out of the objects of such junction or union, and for the securing to all parties to such junction or union the stipulations and agreements which may be mutually settled upon between them.

XXXIV. And be it enacted, That the said Company 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, carry Her Majesty's Mail, Her Majesty's Naval or Military Forces, or Militia, and all artillery, ammunition, Provisions or other stores for their use, and all Policemen, Constables, and others travelling on Her Majesty's service on their said Railroad, on such terms and conditions, and under such regulations as the said Company and the said Deputy Post Master General, the Commander of the Forces, or 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: Provided, that by such regulations the Company shall not be required to start any train or Steamboat at any other time than their ordinary time of starting the same; but they may be required to provide a separate carriage for the Mail and the person or persons in charge thereof: And provided also, that any further enactments which the Legislature of this Province may hereafter deem it expedient to make with regard to the carriage of the said Mail or Her Majesty's Forces, and other persons and articles as aforesaid, or the rates to be paid for carrying the same, or in any way respecting the use of any Electric Telegraph, or other service to be rendered by the Company to the Government, shall not be deemed an infringement of the privileges intended to be conferred by this Act; and nothing in this Act contained shall be construed to authorize the said Company to take or enter upon any lands or real estate of any kind belonging to Her Majesty, Her Heirs or Successors, or vested in or held in trust by the Principal Officers of Her Majesty's Ordnance, or any public body, person or party in trust for the uses or service of Her Majesty, Her Heirs or Successors, whether such real estate be held in fee simple or for any less estate, during the continuance of such estate, unless the entering upon or taking of such lands or real estate be authorized by the Governor in Council, or by the Commander in Chief of Her Majesty's Forces in this Province.

XXXV. 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.

Schedule A.

Know all men by these presents, that I, A. B., in consideration of the sum of _____ to me in hand paid by the Great Western Rail-road Company, the receipt whereof is hereby acknowledged, have granted, bargained, sold, conveyed and confirmed, and by these presents do grant, bargain, sell, convey and confirm unto The said Great Western Rail-road Company, their Successors and Assigns for ever, all that certain parcel or tract of Land and Premises situate and being (here describe the land,) the same having been selected by the said Company for purposes connected with their Road: To have and to hold the said Land and Premises, with the appurtenances thereunto belonging, to the said Great Western Rail-road Company, their Successors and Assigns for ever.

Witness my Hand and Seal, this _____ day of _____ 18_____.

Signed, sealed and delivered, in the presence of _____

[L. S.]