

Laws of Her Majesty's Province of United Canada, passed in the year 1847. Montreal:
Stewart Derbishire & George Desbarats, 1847.

10 & 11 Victoria – Chapter 63

An Act to amend the Act to incorporate The Montreal and Lachine Railroad Company, and for other purposes therein mentioned. 28th July, 1847.

Whereas, by reason of the omission in the Act passed in the now last Session of the Provincial Parliament, and intituled, *An Act to incorporate the Montreal and Lachine Rail-road Company*, of divers provisions which are necessary to the effective working of the said Act, and which have been introduced into the Acts of the present Session incorporating other Companies, it hath become expedient to amend the said Act; and whereas it is also expedient to provide for the regulation of the Tolls to be taken under the authority of the said Act, and of certain other Acts incorporating Railway Companies: Be it therefore declared and 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 declared and enacted by the authority of the same, That for and notwithstanding anything in the said Act, the number of Directors requisite to form a quorum at any meeting of Directors is and shall be five.

II. And be it enacted, That for and notwithstanding any thing in the said Act, the annual general meeting of the Proprietors of the Stock of the said Company for the election of Directors, and other purposes in the said Act mentioned shall be held in the month of February in each year, and on such day in that month as shall be appointed by any By-law, and not in the month of January as in the said Act provided; Provided always, that until some other day in the month of February shall be appointed for the said meeting by a By-law, the said annual general meeting shall be held on the third Tuesday in the said month, at the office of the Company at one o'clock in the afternoon; and all the Directors in office at the time of the passing of this Act shall remain in office until the annual general meeting next after the passing hereof and three of the Directors shall then retire from office, and also at each annual general meeting, provided others are then elected in their stead, in the manner by the said Act provided; and all things which by the said Act are appointed to be done at the annual general meeting in January, shall and may be done at the annual general meeting to be held under this Act in the month of February.

III. And be it declared and enacted, That for and notwithstanding anything in the said Act, the Directors shall annually at their first meeting after the annual general meeting, or at some other meeting thereafter, elect from among their own number a President of the said Company, who shall be the Chairman of the Directors, and shall have all the rights and powers by the said Act conferred either on the Chairman of the Directors or on the President of the Company, and shall remain in office until another shall be elected in his stead, unless he shall sooner cease to be a Director; Provided always, that nothing herein contained shall be construed in any way to affect

the present President and Chairman of Directors, whose election and appointment is hereby declared valid, and who shall remain in office until another shall be elected in his stead, unless he shall cease to be a Director as aforesaid.

IV. And be it enacted, That for and notwithstanding anything in the said Act, all vacancies in the office of Director occurring between the periods of the general annual meetings aforesaid, may be filled by the remaining Directors, who may appoint a duly qualified person or persons to fill such vacancy; but if such appointment be not made, such vacancy shall not invalidate the acts of the remaining Directors.

V. And be it enacted, That for and notwithstanding any thing in the said Act, or in any By-law heretofore passed, the rates of toll and other charges for the carriage of goods and merchandize or persons, on the said Rail-road, or in any Steamboat belonging to the Company, may be from time to time established or altered by the Directors, subject only to the provisions of this Act and to those of the said Act not inconsistent with this Act, and to those of any By-laws hereafter to be made in that behalf.

VI. And be it declared and enacted, That it is and shall be lawful for the Directors of the said Company, from time to time to authorize the President or any other Director to affix the common seal of the said Company to any contract, deed or document, and to sign the same on behalf of the said Company, and every contract, deed or document so signed and sealed, shall be held to be the act of the said Company, nor shall the fact that the person signing and sealing the same was duly authorized so to do, be liable to be questioned by any party except the said Company; nor in any action, suit or proceeding to which the said Company shall be a party, shall the election of the Directors or President, or the authority of any advocate or attorney to appear and act for and on behalf of the Company, be liable to be questioned by any party except the said Company or some Director thereof.

VII. And be it enacted, That any agreement between any party and the said Company as to the compensation or annual rent to be paid for any lands or for the taking of any materials or the doing of anything, which under the said Act the said Company could take or do without the consent of such party, shall have the same effect as if such compensation had been awarded by Arbitrators in the manner by the said Act provided, and the payment, tender or deposit of the amount of such compensation in the manner by the said Act provided, shall vest in the Company the power forthwith to take possession of the lands or to exercise the right to take the materials or do the thing for which such compensation or annual rent shall have been agreed upon, and in case of resistance or forcible opposition to obtain from any Justice of the Court of Queen's Bench for the District of Montreal, a warrant to put them in possession in the manner provided by the seventeenth section of the said Act, and that such warrant shall also be granted by any such Justice, on the application of the Company, before any award or agreement shall have been made, upon the affidavit of the Engineer of the said Company for the time being, that the immediate possession of any land or the power immediately to take any materials or to do anything mentioned in the notice to the party interested and the certificate of a sworn Surveyor for Lower Canada, given and served according to the requirements of the said Act and referred to in such

affidavit, is necessary to the carrying on of the works of the said Company, and upon the said Company giving security to the satisfaction of such Justice in such sum as he shall direct, (not being less than twice the sum mentioned in the certificate of such sworn Surveyor,) to pay or deposit the amount to be awarded as compensation in such case, with interest from the date of such warrant and all costs, within ten days after the award shall have been made.

VIII. And be it enacted, That for and notwithstanding any thing in the said Act, if it shall happen that any Arbitrator appointed or to be appointed by the Company, or by the opposite party, or any third Arbitrator whether appointed by the two Arbitrators or by a Judge, shall be or become disqualified or unable to act, then on proof thereof to the satisfaction of a Judge of the said Court of Queen's Bench, such Judge shall authorize the Company or the opposite party, or the two Arbitrators, to appoint another person in the place of him who shall be so disqualified or unable to act, or shall himself appoint another person as third Arbitrator, as the case may require, but no recommencement or repetition of any prior proceedings shall be necessary.

IX. And be it enacted, That for and notwithstanding any thing in the said Act, it shall be lawful for the said Directors to exercise such other and further powers, as being vested by the said Act or by this Act in the said Company, shall be conferred upon the said Directors by the By-laws of the Company; excepting always, the power of making or altering any By-law, or any power the exercise whereof by the Directors shall be inconsistent with the express provisions of the said Act.

X. And be it enacted, That for and notwithstanding any thing in the said Act, it shall not be necessary that any By-law of the said Company heretofore passed or hereafter to be passed, be published in any Gazette or newspaper, but it shall be sufficient that a copy thereof in writing and under the Common Seal of the Company be kept in the office of the Company, and that a printed or written copy of so much of the Bylaws as may relate to or affect the public, or any party other than the members, officers or servants of the Company, be affixed openly in the office of the Company, 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 in the same.

XI. And be it enacted, That for and notwithstanding anything in the said Act, all calls or instalments of the Capital Stock of the said Company shall be payable with interest from the time of the passing of this Act if called for before that time, and with interest from the day appointed for the payment thereof if called for after that time; and the payment of such interest may be enforced in the same way as the payment of the instalment or principal.

XII. And be it enacted, That for and notwithstanding anything in the said Act, the said Company, shall, under a penalty of five hundred pounds for any refusal or neglect, at all times in case of war, invasion, riot or disturbance, be bound to place the whole means of conveyance on their said Railroad or in any steamboat belonging to them, at the disposal of the Commander of Her Majesty's Forces in this Province, or of the Governor or Person administering the Government thereof, for the conveyance of troops, artillery, ammunition, baggage and stores, or of any Militia, Police or other Civil Force, and their ammunition, baggage and stores, the Company receiving thereafter due compensation for such service.

XIII. And be it enacted, That for and notwithstanding anything in the twenty-third section of the said Act, no offence mentioned in the said section shall be deemed to be a felony, or subject the offender to punishment as a felon, unless such offence shall amount to a felony under some other Act or law, but in all other cases such offence against the provisions of the said section shall be a misdemeanor, and the offender shall be punished accordingly.

XIV. And be it enacted, That all By-laws of the said Company, and all other Railroad Companies now or hereafter incorporated as to which the right to interfere with the Act of Incorporation is reserved in such Act of Incorporation, regulating the tolls to be taken on the said road in this Act and on the roads in the said other Acts of Incorporation mentioned, shall be subject to the approval of the Governor in Council.

XV. And be it enacted, That nothing herein contained shall be construed to exempt the Railway in this Act mentioned from the provisions of any general Act relating to Railways, which may be passed during the present or any future Session of Parliament.

XVI. 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.