

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

10 & 11 Victoria – Chapter 65

An Act to amend the Act incorporating The St. Lawrence and Atlantic Rail-road Company, and to extend the powers of the said Company. 28th July, 1847.

Whereas the Company incorporated by the Act of the Parliament of this Province, passed in the eighth year of Her Majesty's Reign, and intituled, *An Act to incorporate the St. Lawrence and Atlantic Rail-road Company*, were finally and duly organized on the fifteenth day of April, one thousand eight hundred and forty-six, by the election of Directors, in accordance with the twenty-seventh section of the said Act, and a portion of the said Rail-road was afterwards put under contract, and is now in the course of construction; and whereas the company have represented that the said Act requires amendment in certain respects, to insure its practical efficiency, and it is expedient to amend the same, and also to grant further powers and encouragement to the said Company: 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 when the said Company and the owner of any land, ground, hereditament or property required for the purposes of the said Rail-road, cannot agree upon the price to be paid for the same, or cannot agree to an immediate arbitration thereon, it shall be lawful for the said Company to tender to the owner such sum of money as the said company shall deem to be a sufficient price; and if the tender be refused, then it shall be further lawful for the said Company, upon protest against the refusal, to enter upon and take possession of, and apply to the purposes of the said Rail-road, the premises so required; anything in the said Act of Incorporation to the contrary notwithstanding; Provided always, that whensoever afterwards the owner shall apply to the Court of Queen's Bench for a Jury, as directed by the twelfth section of the said Act, the said Company shall pay into Court the price previously tendered to the owner of the premises required; or if after such tender and protest, and before application shall be made by the owner to the Court of Queen's Bench as aforesaid, the owner shall, in writing, give notice to the company that he waives his refusal and will accept the tender, then and in that case the Company shall within ten days after the receipt of the notice, pay the amount of their tender to such owner.

II. And be it enacted, That besides the annual, general, and the special meetings of the proprietors of shares in the said Company, to be respectively called and held under the provisions contained in the twenty-eighth section of the said Act of Incorporation, it shall be lawful for the Directors of the Company at any time to call a general meeting of the proprietors, either for the general business or purposes of the Company, or for a special purpose, in which latter case the special purpose shall be briefly mentioned in the preliminary notice, and then no other business than in relation to such special purpose shall be entered upon at the meeting; Provided always,

that any vacancy in the Directorship of the Company may be filled up at any meeting of the proprietors, whether called for special or general purposes, and in the event of any such vacancy, the Directors may fill the same temporarily, subject to the approval or otherwise of such meeting of the proprietors.

III. And be it enacted, (That besides the calls already made under the said Act, and which are hereby confirmed) the Directors of the said Company shall have power, from time to time, to make calls upon the proprietors of shares of the Capital Stock of the company, to pay such proportion thereof as the Directors shall deem necessary, and payment of such calls shall be made unto such person or persons, and at such times and places as the Directors shall from time to time appoint; and it shall be competent to the Directors to make several calls by one notice; Provided always, that there shall be an interval of not less than two calendar months between the dates fixed for the payment of the several calls; and that no call shall exceed in amount the sum of five pounds currency, for every share of fifty pounds currency, anything in the said Act to the contrary notwithstanding.

IV. And be it enacted, That it shall be competent to the proprietor of any share or shares of the Capital Stock of the said Company to anticipate the payment of the amount thereof, or of such parts of the amount thereof as may remain unpaid and uncalled for; and thereupon, it shall be lawful for the Company to allow and pay lawful interest for the amount of the anticipated payment, until the same shall in due course become payable in virtue of the calls of the Directors.

V. And be it enacted, That if the proprietor of any share or shares of the Capital Stock of the said Company shall have made, or shall make default in the payment of any call, he shall, ipso facto, be and become further liable to the payment to the Company of interest on the amount of the unpaid call from the date fixed for the payment of the same; and the Company, in its corporate name, shall and may recover the amount of every unpaid call, with interest as aforesaid, and costs of suit, by action or suit at law in any Court of competent jurisdiction; and so long as a proprietor of any share or shares shall be in default of the payment of any call, he shall not be entitled to vote at any meeting of the proprietors in respect of such shares so remaining in default, anything in the said Act to the contrary notwithstanding.

VI. And be it enacted, That no transfer of shares of the Capital Stock of the Company shall be allowed or shall be valid unless all calls due, together with any interest that may be due in respect of unpaid calls, and the costs and expenses incurred in relation thereto, shall have been paid and discharged; nor shall any transfer of less than a whole share of the said stock be allowed or be valid; any thing in the said Act to the contrary notwithstanding.

VII. And be it enacted, That in actions or suits at law by the Company, against the proprietor of a share or shares of the Capital Stock of the Company, for the recovery of any unpaid call or calls, with interest, it shall not be necessary to set forth the special matter, but it shall be sufficient for the Company to declare that the Defendant is a holder of one or more shares of the said Capital Stock, and is indebted to the Company in the sum of money to which the call or calls in arrear shall amount, with interest for non-payment; and in every such action it shall not be competent to the

Defendant to plead the general issue, but he may, by a plea in denial, traverse any particular matter or matters of fact alleged in the declaration, or specially plead some particular matter or matters of fact in confession and avoidance; and in all such actions or suits at law, as well as in all other actions or suits at law, by or against the Company, instituted, or to be instituted in any Court of civil jurisdiction in that part of this Province which heretofore constituted Lower Canada, recourse shall be had to the rules of evidence laid down by the laws of England, as recognized and used by every such Court in Lower Canada, in commercial cases; and no proprietor of a share or shares of the Capital Stock of the Company shall be deemed an incompetent witness, either for or against the Company, unless he be also one of the Directors, or be otherwise than as a proprietor incompetent.

VIII. And be it enacted, That copies of the minutes of proceedings and resolves of the proprietors of shares of the Capital Stock of the said Company, at any general or special meeting, and of minutes of proceedings and resolves of the Directors, at their meetings, extracted from the minute-book or books kept by the Secretary of the Company, and by him duly certified to be true copies, extracted from such minute- book or books, shall be *primâ facie* evidence of such proceedings and resolves in all Courts of civil jurisdiction, and all notices given by the Secretary of the Company, by order of the Directors, shall be deemed notices by the said Directors and Company.

IX. And be it enacted, That all notices of meetings of, or of calls upon the proprietors of shares of the Capital Stock of the said Company, shall be published once a week in the Canada Gazette, and in the Montreal, Quebec and Sherbrooke Gazettes, and in a newspaper published in the French language in each of the Cities of Montreal and Quebec, and that in all actions by or against the Company, in which it shall be necessary for the Company to prove the publication of any such notice, the proof of the publication thereof in the Canada Gazette (by the production of the Gazette itself) shall be deemed sufficient, unless the further publication be specially put in issue, and in that case, it shall not be necessary for the Company to give any further proof than that the notice was duly published in one of the aforesaid Gazettes, which was published in the District in which the defendant or party denying the publication dwelt or had his place of business; or that the defendant or party denying the same had been personally, or by letter from the Secretary of the Company, notified to the effect of the notice in question; anything in the said Act of Incorporation, and any other law, usage or custom to the contrary notwithstanding.

X. And be it enacted, That for the more speedy completion of the said Rail-road, it shall and may be lawful for the said Company to borrow, by way of loan, and at any rate of interest for which the same can be procured not exceeding legal interest, any sum or sums of money, not exceeding in the whole the balance of the aggregate sum which the Company is empowered to raise under their Act of Incorporation, and which is not paid up; and to agree with the lender or lenders to pay both the principal and interest either in this Province, or in Great Britain or elsewhere: and it shall also be lawful for the Company to issue debentures for the money so borrowed, under the signature of the President, and counter-signature of the Treasurer of the Company, and by the said debentures, or otherwise, to pledge the said Rail-road or such part or parts thereof as may be

constructed, with the net income or tolls arising therefrom, as security for the payment of the principal sum or sums of money so borrowed and the interest thereof.

XI. And be it enacted, That the offence of forging any debenture or a *coupon* of any debenture, issued under the authority of this Act, or of altering or disposing of any such debenture or *coupon*, knowing the same to be forged, or of being accessory, before or after the fact, to any such offence, shall be deemed felony and be punished accordingly.

XII. And be it enacted, That in case any Company shall be incorporated by the Parliament of this Province, for the purpose of constructing a bridge across the River St. Lawrence to communicate between the South of the said River and the City of Montreal, it shall be lawful for the Saint Lawrence and Atlantic Rail-road Company to make and complete a branch Rail-road from such point on the main Rail-road as may be deemed proper, to the end of the bridge resting upon the said south bank: and from the end of the said bridge resting upon the Island of Montreal, to the City of Montreal; and also to contract and agree with the Company incorporated for the construction of the said bridge for the right of using the same or a portion of the same for the said branch Rail-road.

XIII. And be it enacted, That for the making the said branch Rail-road, with its proper appurtenances, the said Saint Lawrence and Atlantic Rail-road Company shall have, and they are hereby given all the rights, powers and privileges given to them by the said Act of Incorporation, for the making of the main Rail-road, and all the enactments in the said Act of Incorporation, and in the Act of the Parliament of this Province, passed in the ninth year of Her Majesty's Reign, intituled, *An Act to amend the Act incorporating the Saint Lawrence and Atlantic Rail-road Company*, and in this Act, shall be applicable to the said branch Rail-road, as fully as if the authority to make the same had been included in the said Act of Incorporation.

XIV. And be it enacted, That it shall and may be lawful for the said Company to establish a ferry or ferries between the terminus of their Rail-road in the parish of Longueuil, and any point or points on the Island of Montreal, by one or more boats or vessels propelled by steam or other motive power; and to demand, receive, and recover such rates of ferriage for passengers, horses, cattle, carriages, goods and commodities, as shall not exceed the rates specified in the Schedule annexed to this Act; and the said Company shall have power, from time to time, to make and pass By-laws for the proper and efficient regulation of the said ferry or ferries; and for the infraction of any such By-law, to impose a penalty not exceeding five pounds; to be recovered in like manner as the penalties specified in the said Act of Incorporation, and Acts amending the same, are directed to be recovered: Provided always, that nothing herein contained shall be construed as conferring upon the said Company any exclusive privilege to, or in respect of, the said ferry or ferries.

XV. And to the end of encouraging the immediate investment of Capital in the Stock of the said Company, and thereby promoting the completion of the said Rail-road within the shortest possible time; Be it enacted, That it shall and may be lawful for the said Company by Resolution to be passed at a Special Meeting of the Proprietors, to be called for the purpose to allow and pay, either annually or semi-annually, interest not exceeding *six per centum per annum*, upon all such

monies as are or shall be vested in shares of the Capital Stock of the said Company, and duly paid up: Provided always, that the allowance and payment of such interest shall utterly cease on the completion of the said Rail-road; and that until such completion, no dividend of profits shall be made or paid to the Shareholders: Provided also, that it shall and may be lawful for any Special Meeting of Proprietors duly convened for the purpose to annul, abrogate, or alter any such Resolutions.

XVI. Provided always and be it enacted, That the guage upon which the said rail shall be constructed, and which shall be used in the said Railway shall be four feet eight and a half inches, unless within six calendar months the Governor of this Province in Council, shall by order in Council determine upon any different guage, and that upon communication to the said Company of any Order in Council establishing any different guage the guage so established shall be the one used in the said Road as if the same had been established in and by this Act.

XVII. 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.

Schedule of rates of Ferriage to be charged by the St. Larence and Atlantic Railroad Company for their Ferry over the River Saint Lawrence.

From Or To Longueuil.	From or to a point opposite to Longueuil.			From or to the City of Montreal.		
	£	s.	d.	£	s.	d.
For every Coach, Stage Coach, Wagon, or other Carriage with four wheels, drawn by two horses or other beasts	0	1	8	0	2	0
For every Coach, Stage Coach, Wagon, or other Carriage with four wheels, drawn by one horse or other beast	0	1	0	0	1	3
For every Gig, Caleche, or Cab, drawn by one horse or other beast	0	1	0	0	1	3
For every Cart, Sleigh, Berlin, Train, or other Carriage not above described, drawn by one horse or other beast	0	0	10	0	1	0
And for every additional Horse or other beast to any of the above	0	0	6	0	0	7½
For every Saddle Horse, Ass, or Mule with its rider .	0	0	7½	0	0	10
For every Horse, Mare, Gelding, Ass, Mule, Bull, Ox, Cow, or Head of Cattle	0	0	6	0	0	7½
For every Sheep, Calf, Lamb, Goat or Hog	0	0	1	0	0	1½

For each person on foot, and for each person over five in any Carriage drawn by four horses, or over three in any Carriage drawn by a less number than four horses	0	0	3	0	0	4
For Wheat, Flour, Pork, Provisions, Merchandize generally, and other articles of bulk, per Ton . . .	0	1	6	0	2	0