

Laws of Her Majesty's Province of United Canada, passed in the year 1851. York: Stewart Derbyshire and George Desbarts, 1851.

14 & 15 Victoria – Chapter 144

An Act to empower the Company of Proprietors of the Champlain and Saint Lawrence Rail-road to make a Branch Road, and for other purposes. 30th August, 1851.

Whereas the Company of Proprietors of the Champlain and Saint Lawrence Rail-road, incorporated under and by virtue of an Act of the Legislature of the Province of Lower Canada, passed in the second year of the Reign of His late Majesty King William the Fourth, and intituled, *An Act for making a Rail-road from Lake Champlain to the River Saint Lawrence*, have, by their petition to the Legislature, represented that they are desirous of making a Branch from some point on their Rail-road between Isle-aux-Noix and Rouse's Point, across the River Richelieu to the Province line on the east side of the said River, there to connect with the American Rail roads leading to the great cities on the Atlantic Ocean, and have prayed that the powers necessary for this purpose, and certain other powers required for the better management of their business, be granted to the said Company; and whereas the said Branch Rail-road, if suitable facilities be afforded for crossing the said River Richelieu, so as to avoid the delay, damage and inconvenience attending any change of carriages, would tend greatly to facilitate the communication between the whole valley of the River Saint Lawrence and the Atlantic Ocean, to increase the trade passing down the said river from the great lakes and the western country, and to augment the revenue of the Canal and Public Works of this Province, and it is therefor expedient, under suitable provisions and conditions, to grant the prayer of 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 the said Company of Proprietors of the Champlain and Saint Lawrence Rail-road shall have full power and authority to construct a Branch Rail-road from some point on the Rail-road they are now authorized to make, to a point on the River Richelieu, opposite Ash Island, and across Ash Island to the eastern branch of the said River, and across the said eastern branch of the said River in the manner hereinafter mentioned, and from a point on the eastern bank of the said River opposite the said Island to some point on the Province line, in the County of Rouville.

II. And be it enacted, That the said Company shall have full power and authority to construct on the western bank of the said River and on the western side of Ash Island, suitable Wharves or Piers and landing places, and to have and use such Vessel as they shall find suitable for conveying their trains, cars or carriages, passengers and goods across the opening between the said Wharves or Piers: Provided always, that a clear opening of at least two hundred and fifty feet, at the deepest part of the said River, shall be left between the said Wharves or Piers, so that the said Piers shall not come nearer to the centre of the channel of the said River than one hundred and twenty-five feet on each side thereof; and the said Vessel shall always be kept out of the said opening, except

when actually employed in conveying over any Train, Cars, Carriages, Passengers or Goods; and the said Company shall cause the said Wharves or Piers to be properly lighted at night, so as to shew distinctly the said opening between them, and shall also have proper Lights on board their said Ferry-vessel when crossing the said opening; and the said Company shall also have power to construct a Viaduct for their said Branch Rail-road from the eastern bank of Ash Island to the eastern bank of the said River, such Viaduct to be on open piles without solid piers, and so constructed as not materially to diminish the How of water.

III. And be it enacted, That the said Company shall have full power and authority to take, use, occupy and hold, but not to alienate, so much of the public beach or beach-road, or of the land covered with the waters of the said River Richelieu, or of Ash Island, and whether such beach, beach-road or land covered with water form part of or adjoin the main shore of the said river or the said island, as may be required for the said Viaduct, and the Wharves and other works aforesaid, or are necessary for the proper use thereof; Provided always, that such lands shall not be taken, nor the said Viaduct erected except in accordance with the provisions of this Act; nor shall any land vested in the Principal Officers of Her Majesty's Ordnance be taken without their consent.

IV. And for the purpose of enabling the said Company to carry out the improvements aforesaid, it shall be lawful for them to borrow from time to time in this Province or elsewhere, such sums of money as they may find necessary, not exceeding the sum of Seventy-five Thousand Pounds, over and above the sums they are now by law authorized to borrow; and such sum may be borrowed, made payable and secured, under the provisions made by the third Section of the Act passed in the Session held in the Thirteenth and Fourteenth years of Her Majesty's Reign, and intituled, *An Act to authorize the Company of Proprietors of the Champlain and Saint Lawrence Rail-Road to extend the said Road, and for other purposes*, and at any rate of interest not exceeding that limited in the said section, which shall apply to the sum hereby authorized to be borrowed, as if it formed part of the sum which by the said section the Directors are empowered to borrow.

V. And be it enacted, That it shall be lawful for the said Company, from time to time, to ask and demand, take and recover for all goods, wares, merchandize, and commodities, and for any passengers conveyed over the branch Rail-road they are hereby empowered to construct, the same and no higher Rates for each and every mile they may be so conveyed, as they are by the Act last above cited and the other Acts incorporating or relating to the said Company, empowered to ask, demand, take and recover on other portions of their Rail-Road, and with like power to fix the sums to be charged for carrying small parcels; Provided always, that the By-laws fixing any such Toll shall be subject to all the provisions made by the said Act with regard to By-Laws fixing Tolls: And provided also, that the same Tolls shall be payable at the same time, and under the same circumstances, and upon the said Rail-Road authorized to be constructed in and by the said Acts incorporating the said Company, and upon the said branch Rail-Road, established by this Act, so that no undue advantage, privilege or monopoly, may be afforded to any person or class of persons, by any By-Laws relating to the dolls, or by reason of the said Tolls, and that no Tolls shall be levied or taken for the transportation of freight and passengers, until approved of by the Governor General in Council, nor until after two weekly publications in the Canada Gazette of the

By-Law establishing such Tolls, and of the Order in Council approving thereof: and that every By-Law of the said Company fixing and regulating Tolls shall be subject to revision by the Governor in Council from time to time, after approval thereof as aforesaid, and after an Order in Council reducing the Tolls fixed and regulated by any By-Law, shall have been twice published in the Canada Gazette, the Tolls mentioned in such Order in Council shall be substituted for those mentioned in such By-Law, so long as such Order in Council remains unrevoked.

VI. And be it enacted, That the Act above cited and all the provisions thereof shall (except only in so far as they may be inapplicable or inconsistent with the provisions of this Act) apply to the branch Rail-Road and other works which the said Company are hereby empowered to construct, and to the lands required for the same, as fully as to the branch Rail-Road and other works mentioned in the said Act, or as they would do if the branch Rail-Road and other works mentioned in this Act, formed part of those which the Company are empowered to construct by the said Act; and that, subject to the provisions of this Act and of the Act last above cited, the provisions of the Act incorporating the said Company, passed in the second year of the Reign of King William the Fourth, and intituled, *An Act for making a Rail-Road from Lake Champlain to the River St. Lawrence*, as modified by the subsequent Act and Ordinance, amending the same, shall apply to the branch Rail-Road and works to be constructed under this Act, which shall, when completed, form part of, and together with the present Rail-Road, shall be and be called "The Champlain and St. Lawrence Rail-Road."

VII. And be it enacted, That for and notwithstanding any thing in the said Act incorporating the said Company, or in any other Act thereunto relating, any person being the proprietor of the requisite amount of the Stock of the said Company, and otherwise qualified to become a Director thereof, may be elected and be such Director, although he be not a subject of Her Majesty by birth, naturalization or otherwise.

VIII. And be it enacted, That nothing herein contained shall be construed to except the said branch Road and other works mentioned in this Act, from the provisions of any General Act relating to Rail-ways which may be passed during the present or any future Session of Parliament; and that no further provisions which the Legislature may hereafter make with regard to the form, and times and details of the accounts to be laid before the Legislature by the Company, or the mode of attesting or rendering the same, shall be deemed an infringement of the privileges of the Company.

IX. And be it enacted, That the said Company shall construct, and complete the said branch Rail-Road within three years from the passing of this Act, and shall make and tile the Plan and Book of Reference required with regard to the same, within one year from the passing hereof, in the manner prescribed by the seventh section of the said Act, passed in the Session held in the thirteenth and fourteenth years of Her Majesty's Reign, otherwise their right to make such branch Rail-Road shall cease.

X. And be it enacted, That this Act shall be a Public Act.