

Laws of Her Majesty's Province of United Canada, passed in the year 1851. Quebec: Stewart Derbyshire and George Desbarts, 1852.

16 Victoria – Chapter 46

An Act to authorize *The Montreal and New York Railroad Company* to extend their Rail-road, and to acquire the Land necessary for such extension, and for other purposes relative to the said Company. 10th November, 1852.

Whereas in and by an Act of the Parliament of this Province, passed in the Session held in the thirteenth and fourteenth years of Her Majesty's Reign, and intituled, *An Act to authorize the Union of the Montreal and Lachine Rail-road Company, and of the Lake Saint Louis and Province Line Rail-way Company, and for other purposes connected with the said Companies*, the Union of the said Montreal and Lachine Rail-road Company and of the said Lake Saint Louis and Province Line Rail-way Company was authorized, and it was provided that on their complying with certain condition the said two Companies should be united and form one Company by the name of the "Montreal and New York Railroad Company." And whereas in conformity with the provisions and conditions prescribed in and by the said Act, the said Montreal and Lachine Rail-road Company and the said Lake Saint Louis and Province Line Rail-way Company have united together, to the intent that they should in law and in fact, upon, from and after the first day of January now last, constitute one Company, under the name and style aforesaid, in the manner by the said Act provided: 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 enacted by the authority of the same, That the said Montreal and Lachine Rail-road Company, and the said Lake Saint Louis and Province Line Rail-way Company, having conformed to and complied with the provisions and conditions of the said Act, intituled, *An Act to authorize the union of the Montreal and Lachine Railroad Company with the Lake Saint Louis and Province Line Rail-way Company, and for other purposes connected with the said Companies* in that behalf, and so having united themselves into one Company, under the name and style of *The Montreal and New York Rail-road Company*, have become, and the said two Companies hereby are declared to have become one Company, upon the said first day of January now last, and the Members thereof, together with such person or persons as shall under the provisions of the Act passed in the ninth year of Her Majesty's Reign, intituled, *An Act to incorporate the Montreal and Lachine Railroad Company*, and of a certain other Act passed in the Session held in the tenth and eleventh years of Her Majesty's Reign, and intituled, *An Act to amend the Act to incorporate the Montreal and Lachine Rail-road Company, and for other purposes therein mentioned*, and of a certain other Act made and passed in the twelfth year of Her Majesty's Reign, and intituled, *An Act further to amend the Act incorporating the Montreal and Lachine Rail-road Company*, and for other purposes; and of a certain other Act made and passed in the Session held in the tenth and eleventh years of Her Majesty's Reign, and intituled, *An Act to incorporate the Lake Saint Louis and Province Line Rail-way Company*, and of the Act above cited in the preamble to this Act or of this

Act, become subscribers to and proprietors of any share or shares in the said *Montreal and New York Rail-road*, and in the branches and extensions of the same and other works intended and hereby authorized to be made, and their several and respective heirs, executors, administrators, curators and assigns, being proprietors of any such share or shares, are, have been and shall be one Company for carrying on, making, completing and maintaining the said *Montreal and New York Rail-road*, and the other works contemplated and authorized by this Act, according to the rules, order and directions in the Acts hereinbefore mentioned, or those of them which may remain in force and those in this Act expressed and prescribed, and are and shall for that purpose be one Body Politic and Corporate by the name of *The Montreal and New York Railroad Company*, and by that name have and shall have perpetual succession, and a Common Seal, and other the usual power and rights of Bodies Corporate, not inconsistent with this Act, or with such of the enactments of the Acts aforesaid as may remain in force, and by that name may sue and be sued, and shall receive and enjoy all the rights, power, privileges and authorities whatsoever, which the said Montreal and Lachine Bail-road Company, or the said Lake Saint Louis and Province Line Railway Company, or either of them, might or could, under and by virtue of any or all of the Acts of Parliament hereinbefore cited and referred to, have received and enjoyed, in as full and ample a manner as if the said Acts had been made and passed in the name and for the behoof of the said *Montreal and New York Rail-road Company*; and this Act shall in all Courts of Justice be a sufficient proof of the Union of the said two Companies, and of the Corporate capacity of the said Montreal and New York Rail-road Company. without the production of any other proof whatsoever, and that the Rail-roads, which by the Acts hereinbefore cited the said two Companies were respectively authorized to construct, are and shall be in law one Rail-road by the name of *The Montreal and New York Rail-road*; Provided always that the ratified propositions and agreement entered into by the said two Companies in order to their union, under the Act cited in the Preamble, shall remain in force so far as regards the former Members of the said two Companies, and those Members of the present Company who were intended to be affected thereby.

II. And whereas the said Montreal and New York Railroad Company, (which Company is hereinafter spoken of as "the said Company,") have petitioned the Legislature for further power and authority to construct a bridge across the River St. Lawrence, and to make a branch road or extension of the *Montreal and New York Rail-road*, (which said road is hereinafter spoken of as "the said Rail-road,") in connection with the said bridge, and further to make a branch or extension of the said Rail-road, from the present terminus of the said Railroad at Lachine, to a point known as Leishman's Point, and to acquire the land necessary for the said extensions and works; and whereas it is expedient to grant the prayer of the said Petition: Be it therefore enacted, That it shall be lawful for the said Company to construct a branch or extension of the said Rail-road, from some point on its present line between Montreal and Lachine, across the Lachine Canal, to some point on the River St. Lawrence, between the mouth of the Lachine Canal at Lachine aforesaid, and the Island known as "Nuns' Island," on the River St. Lawrence, and to construct a bridge across the said River St. Lawrence from such point on the said River to some point on the opposite or southern shore of the said River, (making use for the purpose of constructing the said bridge of all and any of the Islands, rocks and shoals in the said River being,) and to extend and continue the said branch road or extension from the said point on the southern shore of the said River to some point on the present line of the said Rail-road between the Indian Village of the Sault St. Louis and the Village of

St. Remi, in the Seigniorship of Lacolle and County of Huntingdon, in as direct a line as may be practicable; and further, to construct another branch or extension of their said Rail-road from the present terminus of the said Rail-road at Lachine, to the place known as Leishman's Point, in the Parish of Lachine aforesaid, or some other point or place on the said River within half a mile of Leishman's Point; and to take, acquire and hold all the lands necessary for either or both of the above mentioned extensions or branches and bridge, for them and their successors and assigns, for the use of the said Rail-road and works, without Her Majesty's *Lettres d'Amortissement*, and also to alienate and convey any of the said lands, purchased for the purpose aforesaid; and any person or persons, bodies corporate or politic, or *communauté*, may give, grant, bargain, sell or convey to the said Company any lands for the purposes aforesaid, and the same may repurchase of the said Company without *Lettres d'Amortissement*, and the said Company are hereby authorized after the passing of this Act, to make and complete the said branches or extensions of the said Rail-road, or either of them, with one or more sets of rails, and on the locomotive or atmospheric principle as the said Company may deem best, and to erect wharves, warehouses, stores, dépôts and other buildings at either termination, and at such other places on the line of the said branches or extensions as they may deem expedient.

III. And be it declared and enacted, That the enactments and provisions of the said Act, intituled, *An Act to incorporate the Montreal and Lachine Railroad Company*, as amended by the several Acts hereinabove cited, with regard to the survey, setting out, acquiring and taking of lands, and of beaches or lands covered by the waters of the River St. Lawrence, — the extent of such lands and beaches which may be taken, — the map or plan and books of reference to be made and deposited relative to such lands, — the getting or placing of materials and other things, — the mode of setting by agreement or arbitration the damages or compensation to be paid by the Company for lands, materials or other things, the works which may be constructed and used by the Company, — the conveyance of lands and other property to the Company, — the extent of deviation allowed from the line shewn in the map or plan deposited, and the rights, powers, duties and obligations of the Company, and generally all the enactments and provisions of the said Act and of the Acts amending the same, whether herein more especially referred to or not, do and shall extend and apply to the branches or extensions of the said Rail-road and to the Bridge hereby authorized to be built, and to the said Company and to all things to be done by them, or by any person or party with regard to them, except only in so far as such enactments and provisions may be repealed by this Act or by the Act first cited in the Preamble to this Act, or may be inconsistent with or repugnant to those of this Act or of the said Act cited in the Preamble to this Act; so that whenever this Act and the Act cited in the Preamble shall contain no provision establishing the rights of the Company, or of any member thereof, or of any person or party with respect to the Company, in any case, recourse shall be had to the said Act, intituled, *An Act to incorporate the Montreal and Lachine Rail-road Company*, as amended as aforesaid, in order to ascertain such rights.

IV. And for the avoidance of doubts — Be it declared and enacted, That the provisions of the Act to incorporate the Montreal and Lachine Rail-road Company, as amended by the Acts hereinbefore cited and those of the said amending Acts, do and shall apply to the calling in of stock subscribed or to be subscribed for, either under this Act or the Acts last above mentioned, or

under the Act hereinbefore cited, incorporating the Lake St. Louis and Province Line Rail-way Company, and that all calls of the stock either of the said Montreal and Lachine Railroad Company or of the said Lake St. Louis and Province Line Rail-way Company which may be in arrear, may be sued for and recovered by and in the name of *The Montreal and New York Rail-road Company*, as debts due to them, and any suit for the recovery of such arrears commenced in the name of the Lake St. Louis and Province Line Rail-way Company, may be continued by and in the name of *The Montreal and New York Rail-road Company*, upon suggestion of the passing of this Act; and inasmuch as from the circumstances under which the Lake St. Louis and Province Line Rail-way Company was formed, and its subsequent union with the Montreal and Lachine Rail-road Company, and the complicated proceedings connected therewith, or otherwise, it may have happened that irregularities and informalities may have occurred in the proceedings of the said two Companies or either of them, or of *The Montreal and New York Rail-road Company*, previously to the passing of this Act — Be it enacted, That no irregularity or informality in the proceedings of the said Companies or either of them before the passing of this Act, shall be admitted as a defence or valid plea in any action by or against the said *Montreal and New York Rail-road Company*, but such irregularity or informality shall be held to be effectually remedied by the passing of this Act.

V. And be it enacted, That it shall be lawful for the said Company, subject to the provisions of the said Act to incorporate the Montreal and Lachine Rail-road Company, in like cases, 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 water of the River St. Lawrence, or of any Island or Islands in the same, as may be required for the Bridge or Bridges they are hereby empowered-to construct and the works therewith connected, or for their new Terminus and works at or near Leishman's Point, and the wharves and other works necessary either there or at the Indian Village of Caughna-waga, for efficiently working and using their extensions of their Rail-road hereby authorized, or for establishing and working the Steam Ferry hereinafter mentioned, doing no damage to, nor causing any obstruction in the navigation of the said River.

VI. Provided always, and it is hereby enacted, That in the construction of the said bridge or bridges across the River St. Lawrence and the Lachine Canal, the said Company shall not cause any obstruction in or in any way impede the free navigation of the River St. Lawrence or of the said Lachine Canal; and whenever and wherever the said Rail-road shall be carried across the said River or the said Canal, the said Company shall adopt and use such means, by the elevation to be given to the bridge or bridges, or by the construction of draw-bridges or swing-bridges, to facilitate the passage of rafts and vessels, as the Governor in Council shall direct, upon a plan of the same being submitted for approval to him in Council; nor shall the said Company construct or commence to construct any bridge, pier or other work upon the public beach or bed of the said River St. Lawrence, or upon the banks of the said Lachine Canal, until a plan of such work shall have been submitted to and approved by the Governor in Council: Provided always, That it shall be lawful for any other Rail-road Company to make use of the said Bridge or Bridges to be constructed under this Act, upon such rates of compensation as may be agreed upon between the said *Montreal and New York Rail-road Company*, and such other Rail-road Company applying for the same, and in case of difference between them therefor, then the said rates shall be settled and determined by

arbitrators to be indifferently chosen by each, and by an umpire to be appointed by the Chief Commissioner of the Board of Works for the time being, upon application by either therefor, and the award of the said arbitrators and umpire, or of a majority of them, shall be final and conclusive, notwithstanding any informality or defect in form in the proceedings therefor: Provided further, that nothing herein contained shall prevent the Government or any other Rail-road Company, or any other party, from erecting and constructing a Bridge across the St. Lawrence if thereto authorized by Legislative enactment: Provided further, that the period within which the said Bridge shall be erected and constructed, shall be five years from the coming into force of this Act, with power to the Governor in Council to extend the said period to such further period as may be deemed expedient, not exceeding in any case ten years in all from-the- coming into force of this Act.

VII. And be it enacted, That if any land belonging to, or in the possession of any tribe of Indians in this Province, shall be required by the said Company for the said Rail-road or any extension thereof, or any wharf or other work authorized by this Act or any Act hereinbefore cited, or if any act occasioning damage to their lands shall be done under the authority of this Act or of any of the said Acts, compensation shall be made therefor in the same manner as is provided with respect to the lands or rights of other individuals; and whenever it shall be necessary that arbitrators should be chosen by the parties, the Chief Officer of the Indian Department within this Province is hereby authorized and required to name an arbitrator on behalf of the Indians, and the amount which shall be awarded in any case shall be paid, where the lands belong to the Indians to the said Chief Officer for their use.

VIII. Provided always, and be it enacted, That it shall not be necessary that the map or plan and book of reference for the said branch or extension of the said Rail-road to Leishman's Point or the neighborhood thereof, be made or deposited at the same time with those relating to the said bridge across the River St. Lawrence, or the extensions of the said Rail-road leading to such bridge, so as they be respectively made and filed within the time hereinafter limited: nor shall it be necessary that the same or the surveys on which they are founded respectively, be made after the passing of this Act, but the said Company, if they think proper, may adopt any survey, map, plan, book, or any part thereof, made before the passing of this Act, so as the same be adopted and deposited after the passing hereof, and the same shall nevertheless bind the Company and all parties concerned as if made after the passing of this Act.

IX. And be it enacted, That the said Company, to entitle themselves to all the benefits and advantages to them granted by this Act in so far as regards the extension and branches they are hereby authorized to make and build, shall, and they are hereby, required to make and deposit the maps or plans or books of reference hereinbefore referred to within two years from the passing thereof, and to make and complete the said branches and extensions in manner aforesaid within six years from the passing of this Act: and if the said maps or plans and books of reference be not so made and deposited within the space of two years, or if the said branches and extensions shall not be so made and completed within the said period of six years, so as to be used by the public, then, and in either case, the benefits and advantages granted by this Act shall cease and determine in so far as regards the branch or extension which shall not be so completed, or

with regard to which the map or plan and book of reference hereby required shall not be deposited within the period hereby limited for completing or depositing the same respectively.

X. And be it enacted, That the eighth section of the said Act, intituled, *An Act to incorporate the Montreal and Lachine Rail-road Company*, shall be and is hereby repealed, and that the said Company shall, at each and every place where the said branches or extensions, or any part of their Rail-road, shall cross any highway on a level, erect and keep up a sign-board stretching across the highway at such height as to leave sixteen feet from the highway to the lower edge of the sign-board, and having the word "Rail-way-crossing," painted on each side of such sign-board, in both languages, and in black letters not less than six inches in length on a white ground; and for each and every neglect to conform with the requirements of this section, the said Company shall incur a penalty not exceeding Five pounds currency.

XI. And be it enacted, That so much of the fifth section of the said Act, intituled, *An Act to incorporate the Montreal and Lachine Rail-road Company*, as provides that no locomotive shall be worked on the said Rail-road within the City of Montreal beyond Cemetery street, or that no car or carriage shall be drawn or propelled within the City beyond the point aforesaid by steam or atmospheric pressure or by any other power than that of horses or other animals attached to the car or carriages, be, and the same is hereby repealed; and in the place and stead thereof — Be it enacted, That the said *Montreal and New York Rail-road Company* shall not use, employ or work any locomotive, or car or carriage to be propelled or drawn by any power other than that of animals, within the City of Montreal and east of Cemetery street, except by the permission and authority of the Corporation of the City of Montreal first had and obtained.

XII. And be it enacted, That it shall and may be lawful for the said Company by their servants or workmen, to enter into and upon any land through which the said Rail-road, or any part of the same, may pass, and to fell or remove any trees standing in any woods, lands or forests to the distance of six rods from either side of said Rail-road, doing as little damage as may be, and making satisfaction in the manner provided by the said last mentioned Act to the owner or proprietor of or person interested in such land for all that he may lose or suffer by reason of such entry and felling or removing as aforesaid.

XIII. And be it enacted, That it may and shall be lawful for the said Company to cross, intersect, join and unite the said Rail-road with any other Rail-road or Rail-way, at any point on its route, and upon the lands of such other Rail-way or Railroad, with the necessary conveniences for the purpose of such connection, and the owners of both Rail-ways may unite in forming such intersection, and in granting the facilities therefor; and in case of disagreement upon the amount of compensation to be made therefor, or upon the point or manner of such crossings and connection, the same shall be determined by Arbitrators to be appointed by a Judge of the Superior Court in Lower Canada.

XIV. And whereas the said Montreal and New York Railroad Company have by law, right, power and authority to build, hold and use steamboats on the Rivers St. Lawrence and Ottawa, and it will be for the public good to afford the said Company every facility in the exercise of this right — Be it

therefore enacted, That it shall be lawful for the said Company to hold a Steam Ferry from the wharf at their present terminus at Lachine, or from the point where the branch or extension of the said road may terminate at or near Leishman's Point, to the opposite or south shore of the said River, and to possess, employ and use any steamboat or steamboats, or any other vessel or vessels which may be necessary for the purposes of the said ferry, and for the transportation, carriage and conveyance of goods, chattels, merchandize, horses, cattle, carriages and passengers across the said river St. Lawrence between either of the said points on the north shore of the said River and the wharf and terminus of the said Company at Caughnawaga, at or near to the Indian Village on the Sault St. Louis, in the Seigniorship of the Sault St. Louis; subject nevertheless to the provisions and limitations hereinafter expressed.

XV. And to the end that the said Company may be enabled to construct the said intended branches and extensions of the said Rail-road, and erect and build the contemplated Bridge across the said River, and to establish and maintain a Steam Ferry from Lachine aforesaid, to Caughnawaga aforesaid — Be it enacted, That it shall and may be lawful for the said Company, from time to time, for all or for any one of the said branches, extensions, ferry and bridge, and whenever any one or more of them shall be undertaken by the said Company, to increase their Capital Stock to any amount, but such increase must be sanctioned by a vote in person or by proxy of at least two thirds in number and amount of the Shareholders present at a Meeting expressly called by the Directors for that purpose, by a notice in writing to each Shareholder, properly directed to him or her, and deposited in the Post Office of the City of Montreal at least twenty days previous to such meeting, and stating the time and place and object of such Meeting and the amount, of increase of capital proposed; and the modes of calling special general meetings as well as general meetings for the above purpose or any other purposes of this Act shall be the mode prescribed by the Act incorporating the Montreal and Lachine Rail-road Company, and the Acts amending the same; and the proceedings of such meeting must be entered on the minutes of the proceedings; and thereupon, the Capital Stock, when the Capital Stock is the matter for consideration before such meeting, may be increased to the amount sanctioned by such vote.

XVI. And be it enacted, That it shall and may be lawful for the said Company to borrow from time to time either in this Province, or elsewhere, such sums of money as they may deem requisite for completing, maintaining and working all, or any one of the proposed branches and extensions, or for completing and maintaining the proposed Bridge or Ferry, and at a rate of interest not exceeding eight per cent, per annum; the sums of money, so to be borrowed, not to exceed in amount the one half of the increase of the Capital Stock authorized as aforesaid with reference to the work for which the loan is to be raised, and actually subscribed for, and to make the Bonds and Debentures or other securities granted for the sums so borrowed, payable either in currency or sterling, and at such place or places within this Province or without, as may be deemed advisable, and to place the same at such premium or discount, as may be deemed expedient or found necessary; and to hypothecate, mortgage or pledge for the payment of the said sums and the interest thereon, the lands, tolls, revenues and all other property of the Company, or any part of the same not then mortgaged and hypothecated; and any of the said Debentures whereby it is intended to mortgage and hypothecate the Real Estate of the Company, may be in the form Number One annexed to this Act, or in any other form that may be determined upon by the

Directors of the said Company: Provided always, that the form so determined upon by the said Directors of the said Company, shall contain a short description of the Real Estate of the said Company intended to be mortgaged or hypothecated similar to the description in form Number One, and it shall be lawful for the said Company, if they see fit, to make the said Debentures to be issued by the said Company, or any part thereof that they may think proper, payable to bearer, and every Debenture so issued payable to bearer shall be transferable by delivery, and shall, with all interest due thereon, be payable to the bearer thereof, who shall, in all law proceedings and on all other occasions be held, until the contrary be proved, to be the proprietor of such Debenture, and of the debt and interest intended to be secured thereby, with all the hypothecary rights and privileges attached thereto.

XVII. And whereas in and by the said Act, intituled, *An Act to incorporate the Lake St. Louis and Province Line Rail-way Company*, and by the twenty-seventh section of the same, it was enacted, That the said Lake St. Louis and Province Line Rail-way Company might, from time to time, lawfully borrow, either in this Province or elsewhere, such sum or sums of money not exceeding at any time the sum of seventy-five thousand pounds currency, as they may find expedient, at any rate of interest not exceeding six per cent, per annum; and whereas in and by the said Act, intituled, *An Act to authorise the Union of the Montreal and Lachine Rail-road Company and the Lake St. Louis and Province Line Railway Company, and for other purposes connected with, the said Companies*, and by the fourth section of the same, it was enacted, That it should be lawful for the said Lake St. Louis and Province Line Railway Company, or for the said Montreal and New York Rail- Road Company, as the case might be, to borrow the sum which the said first named company were empowered to borrow, by the twenty-seventh section of their Act of Incorporation, at any rate of interest not exceeding eight per cent, per annum: And whereas it is desirable to give to the said *Montreal and New York Rail-road* Company every lawful facility to borrow the said sum of seventy-five thousand pounds currency, and a further sum of twenty-five thousand pounds currency, and also, to give to the parties lending such sum of money, or any parts of the same, all proper and perfect security for the sum or sums of money so to be lent — Be it therefore enacted, That it shall and may be lawful for the said Montreal and New York Railroad Company, to borrow (in addition to and apart from the sums they are empowered to borrow by the next preceeding section) either in this Province or elsewhere, such sum or sums of money not exceeding in the whole the sum of one hundred thousand pounds, as they may find expedient, and at such rate of interest not exceeding eight per centum per annum, as they may think proper, and to make the Bonds, Debentures or other securities they may grant for such sum or sums, payable in currency, or in sterling, and at such place or places within or without this Province, as they may deem advisable, and by such Bonds, Debentures or other securities, to mortgage, hypothecate or pledge the lands, and other property of the said Company, heretofore known as the Lake St. Louis and Province Line Rail-road, and the tolls and revenues arising therefrom, for the due payment of the said sums and of the interest thereon; and any of the said Debentures, whereby it is intended to mortgage and hypothecate the said real estate of the company, may be in the form Number One annexed to this Act, or in any form that may be determined on by the said Company, provided that the form so determined on contains a like description of the said real estate as is prescribed by and given in the said form Number One; and it shall be lawful for the said Company, if they see fit, to make the said Debentures to be so issued by the said Company, or any part thereof that

they may think proper, payable to bearer or to order, and every Debenture so issued payable to bearer, shall be transferable by delivery, and shall, with all interest due thereon, be payable to the bearer thereof, who shall in all law proceedings, and on all other occasions, until the contrary be proved, be held to be the proprietor of such Debenture and of the debt and interest intended to be secured thereby, with all the hypothecary rights and privileges attached thereto: And any Debenture issued under this Act, whereby it is not intended to mortgage and hypothecate any of the real estate of the Company, may be in the form Number Two, to this Act annexed, or in any other form that may be determined on by the Directors of the said Company: And it shall also be lawful for the said Company to grant such Debentures to any person or persons, corporation or corporations, to whom the said Company may be indebted or who may be willing to receive the same; Provided always, that nothing herein contained shall defeat or in any way impair the effect of any Bond, Debenture, Obligation, Hypothec, Mortgage or other security heretofore granted by the said Company, or the rights or priority of privilege of the holder thereof: and provided always, that it shall not be lawful for the said Company to issue any Debenture payable to bearer under this Act for a less sum than one hundred pounds.

XVIII. And be it enacted, That the Registrar of the County of Montreal, and any other Registrar in whose office it may at any time hereafter be necessary to register any Debenture or Debentures, under this Act or any other Act, authorized to be made and issued by the said Company, or by either of the late Companies by the Union whereof the said Company was formed in order to give full effect thereto, and their Deputies respectively, are hereby empowered and required to enter and register any of the said Debentures which may be brought to be registered, on proof of the execution thereof by the oath of one witness, which oath any such Registrar, or his Deputy, is hereby authorized to administer; and if at any time after the registration of any such Debenture as aforesaid, the same shall be brought to such Registrar or his Deputy with the word "cancelled," and the signature of the President, or other duly authorized Director of the said Company, written across the face thereof, the said Registrar, or his Deputy, shall make an entry in the margin of the Register of Debentures hereinafter mentioned, against the Registry of such Debenture, to the effect, that such Debenture has been cancelled, adding the date of such entry, and shall thereupon file such Debenture to remain of record in the said Registry Office, in the same manner as Certificates of Discharge; Provided always, that if the real property intended to be mortgaged or hypothecated by any such Debenture, shall extend into more than one County or place in and for which a separate Registry Office is or shall be appointed to be kept, it shall be sufficient to register such Debenture in the Registry Office of any one of such Counties or places, in order to preserve the hypothec or mortgage given by such Debenture on the whole of the property mentioned therein, and its priority according to the date of registration.

XIX. And to facilitate the registration of Debentures of the said Company, creating mortgage or hypothec — Be it enacted, That the Company may, at their own expense, deposit in any Registry Office wherein such their Debentures may require to be registered, any number of their printed or engraved Blank Debentures in the form Number One annexed to this Act, bound together in a book, and having the pages thereof numbered and signed by the Secretary and Treasurer of the Company, and thereupon the Registrar and his Deputy shall be bound to receive and to use the same as one of the Registry Books of his office, and to register therein any Debentures of the said

Company brought to him for registration by copying into the blanks in the said Registry Book of Debentures all the words and figures inserted in the Debentures presented for enregistration, (neglecting all words and figures inserted in any *coupon*, for interest annexed to such Debenture,) instead of registering the said Debentures in the ordinary Registry Book of his office, any law or ordinance to the contrary notwithstanding; and for such enregistration of each of the said Debentures, the said Company shall pay to the said Registrar the sum of two shillings and six pence, and for the entry of cancellation of the same, the sum of one shilling, and no more.

XX. And be it declared and enacted, That the said Company have and shall continue to have power to become parties to Promissory Notes and Bills of Exchange; and any Promissory Note made or endorsed, and any Bill of Exchange drawn, accepted or endorsed by the President of the Company or any two of the Directors for the Company, and under the authority of a majority of a quorum of the Directors, with the counter signature of the Secretary of the Company, is and shall be binding upon the Company; and every Promissory Note or Bill of Exchange, made, drawn, accepted or endorsed by the President of the said Company or any two of the Directors as such, with the counter signature of the Secretary of the Company as such, shall be presumed to have been properly made, drawn, accepted or endorsed, as the case maybe, for the Company, until the contrary be shown; and in no case is it or shall it be necessary to have the Seal of the Company affixed to any such Bill of Exchange or Promissory Note, nor shall the President or Directors or Secretary of the Company so making, drawing, accepting or endorsing any such Promissory Note or Bill of Exchange be thereby subjected individually to any liability whatever; Provided always, that nothing in this clause shall be construed to authorize the said Company to issue any Note payable to bearer or any Promissory Note intended to be circulated as money, nor shall any Note issued or to be issued by the said Company be assignable or transferable otherwise than by endorsement in full.

XXI. And be it enacted, That no By-law of the said Company, to be hereafter made and by which any Tolls shall be fixed or directed to be taken for the conveyance of passengers, goods, wares or merchandize, on the said Rail-road, or which shall be intended to affect any party other than the Members, Officers and Servants of the Company, shall have force or effect until it shall have been sanctioned and confirmed by the Governor of this Province in Council, and published in the *Canada Gazette*, a copy whereof shall be proof of such By-law and of such sanction and confirmation in all Courts and places whatsoever: Provided always, that the same tolls shall be payable at the same time and under the same circumstances upon all like goods, wares, merchandize and passengers, by the same class of carriages, so that no undue privilege or monopoly may be afforded to any person, or class of persons, by any By-law relating to tolls; and, subject to such approval as aforesaid, it shall be lawful to provide by any such By-law, that any person committing any infraction of the same in any car or carriage on the said Rail-road or in any Steamboat or Vessel belonging to the Company, or refusing to pay his lawful fare when called upon, may be put out of such car, carriage, boat or vessel by the Servants of the Company at the then nearest station or landing place, and such fare shall always be payable as soon as the passenger shall enter the car, carriage, steamboat or vessel, whatever be the distance to which such passenger intends to proceed, subject to his recourse against the Company if they fail to convey him to the place to which he has paid his fare.

XXII. And be it enacted, That, subject to the foregoing provisions, the tolls payable to the said Company for ferriage, of freight, and passengers on the said Ferry, and for the conveyance of all passengers and goods transported upon the said Rail-road, shall be established, and payment thereof enforced as follows:

Firstly — The tolls shall be those from time to time fixed by the By-laws of the Company, and shall and may be demanded and received for all passengers and goods transported upon the Rail-road or in the Steam Vessels to the Company belonging, and shall be paid to such persons and at such places near to the Rail-road, or on such Steam Vessels in such manner and under such regulations as the By-laws shall direct: and in case of denial or neglect of payment of any such tolls or any part thereof on demand, to such persons, the same may be sued for and recovered in any competent Court, or the Agents or Servants of the Company may and they are hereby empowered to seize the goods for or in respect, whereof such tolls ought, to be paid, and detain the same until payment thereof: and in the meantime the said goods shall be at the risk of the owner thereof, and if the said tolls shall not be paid within six weeks, the Company shall thereafter have power to sell the whole or any part of such goods, and out of the money arising from such sales to retain the tolls payable as aforesaid, and all charges and expenses of such detention and sale, rendering the surplus if any of the money realised from such sale, or such of the goods as may remain unsold, to the person entitled thereto; and if any goods shall remain in the possession of the Company unclaimed for the space of twelve months, the Company shall thereafter, and on giving public notice thereof by advertisement for six weeks in the *Canada Gazette*, and in such other papers as they may deem necessary, have power to sell such goods by public auction at a time and place to be mentioned in such advertisement, and out of the proceeds thereof to pay such tolls and all reasonable charges for storing, advertising and selling such goods, and any balance of such proceeds shall be kept by the Company for a further period of three months, to be paid over to any party entitled thereto, and in default of such balance being claimed before the expiration of the period last aforesaid, the same shall be paid over to the Receiver General to be applied to the general purposes of the Province, until such time as the same shall be claimed by the party entitled thereto: and all or any of the said tolls may by any By-law be lowered and reduced, and again raised as often as it shall be deemed necessary for the interests of the undertaking, subject to such approval as aforesaid.

Secondly — In all cases, a fraction of a mile in the distance over which goods or passengers shall be transported on the Rail-road or in the vessels of the Company, shall be counted as a whole mile, and a fraction of a quarter of a ton in the weight of any goods as a whole quarter of a ton, and a proportion of the tolls shall be demanded and taken according to the number of quarters of a ton contained therein.

Thirdly — The Directors shall from time to time print and stick up or cause to be printed and stuck up in the office, and in all and every of the places where the tolls are to be collected, and in every passenger car, in some conspicuous place, a printed board or paper exhibiting all the tolls payable, and particularising the price or sum of money to be charged or taken for the carriage of any passenger, matter or thing; and also a copy of all By-laws affecting others than the Members,

Officers and Servants of the said Company, and all passengers in any such car shall be held to have had full cognizance of all notices, by-laws and things so stuck up in any car.

XXIII. And be it enacted, That it shall be lawful for the said Company to enter into any agreement with any other Rail-way Company either in this Province or in any foreign state, for leasing the said Rail-road or any part thereof, or the use thereof, at any time or times to such other Company, or for leasing or hiring out to such other Company any Locomotives, Cars, Carriages, Tenders or other moveable property of the said Company, either altogether or for any time or times, occasion or occasions, or for leasing or hiring from such other Company any Rail-road or part thereof, or the use thereof at any time or times, or for leasing or hiring from such other Company any Locomotives, Cars, Carriages, Tenders, or other moveable property, or for using either the whole or any part of the said Rail-road or of the moveable property of the said Company, or of the Rail-road and moveable property of such other Company in common by the two Companies, or generally to make any agreement or agreements with any such other Company touching the use by one or the other or by both Companies of the Rail-road or moveable property of either, or of both, or any part, thereof, or touching any service to be rendered by the one Company to the other, and the compensation therefor, and any such agreement shall be valid and binding, and shall be enforced by all Courts of Justice in this Province according to the terms and tenor thereof; and any Locomotive, Car, Carriage or Tender of any foreign Rail-Road Company brought into this Province in pursuance of any such agreement, but remaining the property of such Foreign Company, and intended to pass regularly along the said Rail-Road between this Province and a foreign state, shall, for all purposes of the Laws relative to Customs, be considered as carriages of travellers coming into this Province, with the intent of immediately leaving it again.

XXIV. And be it enacted, That the number of Directors of the said Company shall be thirteen, of whom five shall form a quorum, as provided by the ratified propositions hereinbefore mentioned; and that for and notwithstanding any thing in any of the Acts hereinbefore cited, the Directors of the said Company shall make By-laws for the management and disposition of the stock, property, business and affairs of the said Company not inconsistent with the laws of this Province, and for the appointment of all Officers, Servants and Artificers, and providing their respective duties, and may amend or repeal any Bylaw of the Company, and may make others instead thereof, subject to the approval of the Governor in Council in the cases hereinbefore provided for: and all By-laws, Rules and Orders regularly made, shall be put into writing and signed by the Chairman or person presiding at the meeting at which they were adopted, and shall be kept in the Office of the Company; and in like manner so often as any change or alteration shall be made to the same; and such By-laws so made by the Directors shall not require confirmation by the Stockholders of the said Company by or at any general Meeting thereof, except any By-law reducing the amount of Stock forming the qualification of a Director; and any copy of the same, or of any of them, certified as correct by the President or Secretary, shall be deemed Anthentic, and shall be received as evidence thereof in any Court, without further proof.

XXV. And be it enacted, That the number of votes to which each Proprietor of shares in the stock of the said Company shall be entitled, on every occasion when the votes of the Members of the said Company are to be given, shall be in the proportion to the number of shares held by him, that

is to say, one vote for each share less than fifty: Provided always that no one Proprietor as aforesaid, shall have more than fifty votes; and provided also, that a share or shares that shall have been held for a less period than three calendar months immediately prior to any such occasion shall not entitle the holder or holders to

vote on such occasion either in person or by proxy, and all Proprietors of shares, whether resident in this Province or elsewhere, may vote by proxy if he, she, or they shall see fit, provided that each proxy do produce from his constituent or constituents, an appointment in writing or printed, in the words or to the effect following, that is to say:

I, _____ of _____ one of the Proprietors of (old Stock or new Stock, as the case may be) of the Montreal and New-York Rail-road Company, do hereby nominate, constitute and appoint _____ of _____ to be my proxy in my name, and in my absence to vote or give my assent or dissent to any business, matter or thing relating to the said undertaking that shall be mentioned or proposed at any meeting of the Members of the said Company, or any of them, in such manner as he the said shall _____ think proper, according to his opinion and judgment, for the benefit of the said undertaking, or any thing appertaining thereto. In witness whereof, I have hereunto set my hand the day of _____ in the year _____

And such vote or votes by proxy shall be as valid as if such principal or principals had voted in person; and whatever question, election of proper Officers, or matters, or things shall be proposed, discussed or considered in any public meeting of the Shareholders, shall be determined by the majority of votes and proxies then present, and as given as aforesaid, and all decisions and acts of any such majority shall bind the said Company.

XXVI. And be it enacted, That sales of the shares of the Capital Stock of the said Company shall be in the form following, varying the names and description of the contracting parties as the case may require:

I, A. B. in consideration of _____ the sum of paid to me by C. D. of _____ do hereby bargain, sell and transfer to the said C. D. _____ shares (or shares of the old Stock, or new Stock, as the case may be) of the Montreal and New-York Rail-Road Company, to hold to him, his heirs, executors, curators, administrators or assigns, subject to the same rules and orders, and on the same conditions that I held the same immediately before the execution hereof; and I, the said C. D. do hereby agree to accept of the said _____ (share or shares) subject to the same rates, orders and conditions.

Witness our hands this _____ day of _____ in the year _____

XXVII. And be it enacted, That it shall and may be lawful for the said Directors of the said Company, and they are hereby authorized from time to time to nominate and appoint a Treasurer or Treasurers, and a Secretary or Secretaries, or to appoint one person to be Secretary and Treasurer to the said Company, and in their discretion to remove any such Secretary or Treasurer, taking such security for the due execution of their respective Offices as the said Directors shall think proper; and such Secretary shall, in a proper Book or Books, enter and keep a true and

perfect account of the names and places of abode of the several proprietors of the said Rail-Road and other works, and of the several persons who shall, from time to time, become owners and proprietors of, or entitled to any share or shares therein, and of all the other acts, proceedings and transactions of the said Company, and of the Directors for the time being under the authority, of this Act, or of the Acts herein recited.

XXVIII. And be it enacted, That Copies of the By-laws, Rules and Regulations of the Company, or of Minutes of Proceedings and Resolutions of the Shareholders of the Company, at any General or Special Meeting, and of Minutes of Proceedings and Resolutions of the Directors at their Meetings, and of the propositions and agreement for the union of the two then existing Companies made and ratified under the Act first cited in the Preamble to this Act, extracted from the Minute Books kept by the Secretary of the Company, and by him certified to be true Copies extracted from such Minute Books, shall be *primâ facie* evidence of such By-laws, Rules, Regulations, Proceedings and Resolutions, in all Courts whatever, 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.

XXIX. And be it enacted, That all suits for indemnity for any damage or injury sustained by reason of the said Rail-road, shall be instituted within six calendar months next after the time of such supposed damage sustained, or if there shall be continuation of damage, then within six calendar months next after the doing or committing such damage shall cease, and not afterwards; and the Defendants may plead the general issue and give this Act and the special matter in evidence at any trial to be had thereupon, and may prove that the same was done in pursuance of and by authority of this Act: and all persons by any means or in any manner or way whatsoever, obstructing or interrupting the free use of the Rail-way, or the carriages, vessels, engines, or other works incidental or relative thereto, or connected therewith, shall, for every such offence, be deemed guilty of a misdemeanor, and on conviction thereof, be punished by imprisonment in the common gaol of the District or County where the conviction shall take place, or in the Provincial Penitentiary, for a term not to exceed five years; and all persons wilfully and maliciously, and to the prejudice of the Rail-road, breaking, throwing down, damaging or destroying the same, or any part thereof, or any of the buildings, stations, dépôts, wharves, vessels, fixtures, machinery or other works or devices, incidental and relative thereto, or connected therewith, or doing any other wilfully or mischief, or wilfully or maliciously obstructing or interrupting the free use of the Rail-road, vessels or works, or obstructing, hindering or preventing the making, carrying on, completing, supporting and maintaining the Railroad, vessels or works, shall be adjudged guilty of a misdemeanor, (unless the offence committed shall under some other Act or Law amount to a felony, in which case such person shall be adjudged guilty of a felony,) and the Court by and before whom the person shall be tried and convicted, shall have power and authority to cause such person to be punished in like manner as persons guilty of misdemeanor, or felony, (as the case may be) are directed to be punished by the laws in force in this Province; and all fines and forfeitures imposed by this Act or any other Act hereinbefore cited, or relating to the said Company, which shall be lawfully imposed by any By-law, the levying and recovery of which are not particularly herein directed, shall be recovered upon proof of the offence, before any one or more Justice or Justices of the Peace for the District, County or place where the act occurred, either by the confession of the parties, or by the oath or affirmation of any one credible witness,

which oath or affirmation such Justice or Justices is or are hereby empowered and required to administer without fee or reward, and shall be levied by distress and sale of the offender's goods and chattels, by Warrant under the hand and seal, or hands and seals of such Justice or Justices; and all fines, forfeitures and penalties, the application whereof is not hereinbefore particularly directed, shall be paid into the hands of the Treasurer of the said Company, to be applied to the use thereof, and the overplus of the money so raised, and after deducting the penalty and expenses of the levying and recovering thereof, shall be returned to the owner of the goods so distrained and sold; and for want of sufficient goods and chattels whereof to levy the said penalty and expenses, the offender shall be sent to the common gaol for the County or District in which he shall have been convicted, there to remain without bail or main prize, for such term, not exceeding one month, as the Justice or Justices shall think proper, unless the penalty or forfeiture and all expenses attending the same shall be sooner paid and satisfied; but every such person or persons may, within four calendar months after the conviction, appeal against the same to the Court of General Quarter Sessions, to be holden in and for the County or District: And all contraventions of this Act, by the Company or by any other party, for which no punishment or penalty is herein provided, shall be a misdemeanor, and shall be punishable accordingly; but such punishment shall not exempt the Company, if they be the offending party, from the forfeiture of the privileges conferred on them by this Act and the Acts hereinbefore cited, if by the provisions thereof, or by law, the same be forfeited by such contravention.

XXX. Provided always, and be it enacted, That the said Company shall at all times when thereunto required -by the Post Master General, the Commander of the Forces, or any person having the superintendence or command of any Police Force, and with the whole resources of the Company, if necessary, 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 Post Master General, the Commander of the Forces, or person commanding any Police Force respectively shall agree upon, or if they cannot agree, then on such terms and conditions, and under such regulations as the Governor in Council shall make: provided always, 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.

XXXI. And be it enacted, That this Act shall be and be deemed to be a Public Act.

Schedule.

Form Number One referred to in the foregoing Act.

Montreal and New York Rail-road Company Loan for _____

No. _____ £ _____ Cy. or Stg.

Province of Canada.

This Debenture witnesseth that *The Montreal and New York Rail-road Company*, under the authority of the Act passed in the sixteenth year of Her Majesty's reign, and intituled, An Act to authorise The Montreal and Nero York Raitroad Company, to extend their Rail-road, and to acquire the land necessary for such extension, and for other purposes relative to the said Company, have received from A. B. of _____ &c., the sum of _____ currency (or sterling) as a loan to bear interest from the date hereof, at the rate of _____ per cent. per annum, payable half yearly, at the _____ on the _____ day of _____ and the day of _____; which said sum of _____ the said Company hereby bind and oblige themselves to pay on the _____ day of _____ to the said A. B. _____ or to the bearer hereof, at _____ and to pay the interest thereon half yearly as aforesaid, on the presentation of the annexed *coupons*, or interest warrants, also at the place aforesaid.

And for the due payment of the said sum of money and interest, the said Company, under the power given to them by the said Statute, do hereby mortgage and hypothecate that part of the real estate and appurtenances of the said Company hereinafter described, that is to say: The Rail-road formerly known as the Lake St. Louis and Province Line Rail-road, and all the lands purchased or taken for the same; and the buildings, wharves and appurtenances thereon constructed or erected, lying partly in the County of Huntingdon and partly in the County of Beauharnois, in the District of Montreal, (or as the case may be,) the extension of the said Rail-road connecting the Rail-road heretofore known as the Montreal and Lachine Rail-road with the Rail-road heretofore known as the Lake St. Louis and Province Line Rail-road, and including the Bridge across the River St. Lawrence, forming part of the same, and the buildings, wharves and appurtenances thereon erected or constructed, lying partly in the County of Huntingdon and partly in the County of Montreal, in the said District of Montreal, (or, as the case may be,) the extension of the said Rail-road from a point at Lachine on that part thereof formerly known as the Montreal and Lachine Rail-road, to the Terminus at or near Leishman's Point, with all the wharves, build- dings and appurtenances thereon erected or constructed, lying in the County of Montreal, in the District of Montreal.

And this Debenture is granted for the said sum of _____ as being part of a loan of _____ pounds, which the said Company, is authorized to raise under the aforesaid Statute: And to secure to all holders of the Debentures issued for the said loan, a first and equal privilege of mortgage or hypothec, the same have been registered simultaneously according to law.

In testimony whereof, I, (or we) _____ of the said Company, authorized by a resolution of the Directors of the said Company, in that behalf, passed on the _____ day of _____ 18____, (giving the name of the President and Directors authorized in the manner sanctioned by 6th Sec. 10 and 11 Vict. cap 63) have signed these presents, and have hereunto affixed the Common Seal of the said Company, at the City of Montreal, this _____ day of _____ Countersigned.

(President or Director.)

Secretary and Treasurer.(as the case may be.)

Endorsement.

I certify that this Debenture was duly registered in the Registry Office of the first (or second, as the case may be) Registration District of the County of Huntingdon, (or, as the case may be,) in the District of Montreal, on the day of _____ 18___, at _____ of the clock in the _____ noon, in the Registry of Debentures, deposited in this Office, in conformity with the Statute, page _____

Registrar or Deputy Registrar.

No. 2.

Referred to in foregoing Act.

Montreal and New York Rail-road Company Loan.

No. _____ £ _____ Cy. or Stg.

This Debenture witnesseth that *The Montreal and New York Rail-road Company*, under the authority of the Provincial Statute, passed (giving the year and title of the statute to which this form is annexed,) have received from A. B., of _____ the sum of _____ as a Loan, to bear interest from the date hereof at the rate of _____ per cent. per annum, payable half yearly, on the _____ day of _____ which sum of _____ pounds currency, the said Company hereby bind and oblige themselves to pay on the _____ to the said A. B., or to the bearer hereof, and to pay the interest thereon half yearly as aforesaid.

In testimony whereof, I, (or we, giving the name of the President or Directors authorized in the manner sanctioned by the 6th Sec. 10 and 11 Vic. cap 63,) have hereunto affixed the common Seal of the said Company, at the City of Montreal, this _____ day of _____ one thousand eight hundred and _____

(Signature.)

Countersigned.

(President or Directors.)

Secretary and Treasurer.

(as the case may be.)