

Laws of Her Majesty's Province of United Canada, passed in the year 1854. Quebec: Stewart Derbyshire and George Desbarts, 1854.

18 Victoria – Chapter 33

An Act to amend the Acts relating to *The Grand Trunk Railway Company of Canada*. Assented to 18th December, 1854.

Whereas by an Act passed in the sixteenth year of Her Majesty's Reign, intituled, *An Act to incorporate The Grand Trunk Railway of Canada*, certain persons were incorporated under the name of *The Grand Trunk Railway Company of Canada*, and were authorized to make and complete the Railway therein mentioned; and by the said Act it is also provided that the Guarantee of the Province may be given to the Company thereby incorporated to an amount not exceeding the sum of three thousand pounds sterling for every mile in length of the said Railway, on certain conditions therein mentioned; And whereas such Company was afterwards formed under the authority of the said Act; And whereas under the authority of another Act passed in the sixteenth year of Her Majesty's Reign, intituled, *An Act to provide for the- incorporation, of a Company to construct a Railway from opposite Quebec to Trois-Pistoles, and for the extension of such Railway to the Eastern frontier of the Province*, a Company was formed and incorporated under the name of *The Grand Trunk Railway Company of Canada East*, for the construction of the said Railway, and it is by such Act provided that, the Guarantee of the Province shall be given to such Company to the same extent and in the same manner as is provided under the last hereinbefore recited Act; And whereas under the authority of another Act passed in the same year of Her Majesty's Reign, intituled, *An Act to incorporate the Grand Junction Railroad Company*, a Company was incorporated for the purpose among other things of constructing the Railway therein mentioned; And whereas under the authority of another Act passed in the Session held in the fourteenth and fifteenth years of Her Majesty's Reign, intituled, *An Act to incorporate the Toronto and Guelph Railway Company*, a Company has been incorporated for the purpose of constructing a Railway between Toronto and Guelph; And whereas another Act was passed in the sixteenth year of Her Majesty's Reign, intituled, *An Act to amend the Act incorporating the Toronto and Guelph Railway Company*, authorizing an extension of the said Railway as therein mentioned; And whereas under the authority of another Act passed in the Session held in the thirteenth and fourteenth years of Her Majesty's Reign, intituled, *An Act to incorporate Peter Paterson, Esquire, and others, under the name of the Quebec and Richmond Railway Company*, a Company was formed and incorporated for the construction of the Railway therein mentioned; And whereas under the authority of another Act passed in the eighth year of Her present Majesty's Reign, intituled, *An Act to incorporate the St. Lawrence and Atlantic Railroad Company*, a Company was formed and incorporated for constructing the Railway therein mentioned; And whereas another Act was passed in the Session held in the tenth and eleventh years of Her present Majesty's Reign, intituled, *An Act to amend the Act incorporating the St. Lawrence and Atlantic Railroad Company and to extend the powers of the said Company*, and four other Acts have since been passed in the Sessions respectively held in the ninth, the twelfth, the thirteenth and fourteenth, and the sixteenth years of Her Majesty's Reign, respectively, relating to the said Company; And whereas an Act was passed in the sixteenth year of Her Majesty's Reign, intituled, *An Act to empower any*

Railway Company whose Railway forms part of the Main Trunk Line of Railway throughout this Province, to unite with any other such Company, or to purchase the property and rights of any such Company, and to repeal certain Acts therein mentioned incorporating Railway Companies, (hereinafter called the Railway Companies' Union Act), and another Act was passed in the same Session, intituled, An Act to extend the provisions of the Railway Companies' Union Act to Companies whose Railways intersect the Main Trunk Line or touch places which the said Line also touches; And whereas another Act was passed in the same Session, intituled, An Act to provide for the construction of a general Railway Bridge over the River St. Lawrence at or in the vicinity of the City of Montreal, whereby it is provided that The Grand Trunk Railway Company of Canada or any Company which should be formed by the union of the said Company with any one or more Railway Companies under the Act in that behalf, should have power to construct a Railway Bridge and all necessary works; And whereas under the powers and provisions of the several hereinbefore recited Acts, and of the Railway Clauses Consolidation Act, the several Companies following, that is to say, The Grand Trunk Railway Company of Canada East, the Quebec and Richmond Railway Company, the St. Lawrence and Atlantic Railroad Company, the Toronto and Guelph Railway Company, and the Grand Junction Railroad Company, have been united with and incorporated into the said Grand Trunk Railway Company, under the name of The Grand Trunk Railway Company of Canada, upon certain terms and conditions embodied in an agreement made and concluded between the Directors of the said several Companies, bearing date the twelfth day of April, one thousand eight hundred and fifty-three, and which agreement has since been duly ratified and confirmed at meetings' of the Shareholders of the said several Companies, held in accordance with the provisions of the said Railway Companies' Union Act; And whereas it is stipulated in the said agreement that the several Railways and works of the said Companies, including the said General Railway Bridge over the St. Lawrence at Montreal, called the Victoria Bridge, shall thereafter form one Railway and work to be called and known as "The Grand Trunk Railway of Canada"; And whereas certain acts have been done by the Board of Directors constituted and appointed by the said agreement, in the creation and issue of shares and debentures and otherwise, and certain contracts and agreements have been entered into by the said Board with certain Contractors, for the execution of the works and for the acceptance of Shares and Debentures in payment therefor; And whereas in the said Railway Companies' Union Act, it is among other things declared, that the Legislature of this Province will make any further Legislative provision which may be required for the purpose of giving full effect to the said Act and to every agreement made under it and ratified as thereby required, and it is expedient that further Legislative provisions should be made for enlarging the powers of the said Company and for extending the time for the completion of the works undertaken by them; and that the said agreement and the amalgamation of the said several Companies intended to be effected thereby, and the acts done in pursuance thereof, and the agreements entered into by the said Directors should be confirmed: 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, as follows:

I. In citing this Act in any Act or legal proceeding, or for any purpose, it shall be sufficient to use the expression "The Grand Trunk Railway Act, 1854."

II. The said hereinbefore recited agreement of the twelfth day of April, one thousand eight hundred and fifty-three, and the amalgamation of the said several Companies and undertakings thereby intended to be effected, and the creation and issue of shares and debentures by the said United Company or the Directors thereof, and the contracts and agreements entered into by them with certain contractors for the execution of works, and for the acceptance of shares and debentures in payment for such works, are hereby confirmed; and any copy of the said agreement or of any contract and agreement made as aforesaid with any contractors, certified by the Secretary, of *The Grand Trunk Railway Company of Canada*, for the time being, to be a true copy or extract, and bearing the corporate seal of the Company, shall be *primâ facie* evidence thereof or of the parts so extracted therefrom.

III. The United Company formed by the amalgamation of the several Companies hereinbefore mentioned, shall be known and designated by the name of *The Grand Trunk Railway Company of Canada*; and the several Railways or works which they undertake and construct shall be known and designated as and shall constitute *The Grand Trunk Railway of Canada*.

IV. The Railway Clauses Consolidation Act, and also the Act in addition to the General Railway Clauses Consolidation Act, shall extend and be applicable to the said Grand Trunk Railway Company of Canada, except so far as the provisions thereof may be varied by or inconsistent with the provisions herein contained.

V. It shall be lawful for the Governor in Council, from time to time, upon such terms and conditions as he shall think fit, by Order in Council, (a copy of which shall be inserted in the *Canada Gazette*;) to extend the period allowed by the several hereinbefore recited Acts, for the completion of the Railways and works thereby respectively authorized, for such further time as he may think fit; and he may so extend such periods respectively, either as to the whole of the Railways and works forming *The Grand Trunk Railway of Canada*, or as to so much thereof as shall be specified in such order: Provided always, that no such extension shall be authorized on that portion of the line between Montreal and Brockville, nor between Toronto and Stratford, nor shall such extension be authorized on any portion of the main direct line between Brockville and Toronto, or between Quebec and St. Thomas, beyond the first day of July, one thousand eight hundred and fifty-seven, nor on any other portion of the said line, including the Victoria Bridge, beyond the first day of January, one thousand eight hundred and sixty.

VI. When any such order as aforesaid is made by the Governor in Council, the Act or Acts of Parliament authorizing the construction of the Railway or works mentioned or referred to in such order shall, as to the portion of Railway or works described thereby or comprised in such order, be construed as if the extended period or periods of time mentioned in such warrant had been by such Act or Acts limited as the period or periods respectively, within which the powers of such Act or Acts for the construction of such Railway or works might lawfully be exercised, instead of the periods mentioned in such Act or Acts respectively.

VII. In case it shall be deemed expedient by the said Grand Trunk Railway Company of Canada, at any time or times hereafter to increase the capital of the said Company, such increase may be effected by Resolution of the Directors of the said Company, sanctioned and approved by two thirds at least of the votes of the Shareholders present in person or by proxy, at a General Meeting convened with special notice of the intended object; and the further capital so authorized may be raised by mortgage or bond, or by the issue of new shares of such denominations, and with such privileges as to priority of dividend or otherwise, and upon such terms and conditions, and at such times and to such persons and in such manner as the Shareholders so present in person or by proxy shall by the like proportion of votes approve or direct; Provided that no mortgage, bond or issue of new shares, under this Act, shall affect or impair the priority of the Government's claim for any Government guarantee already given, or hereafter to be given, to *The Grand Trunk Railway Company of Canada*, or affect or impair or postpone the security, by bond or mortgage, of any individual upon the said road, without his consent in writing.

VIII. It shall be lawful for the said Company, in obtaining subscriptions for shares, and as one of the conditions of allotting the Bonds authorized to be issued by the Company, to give to the holders of such Bonds respectively, the option of converting the same into shares in the capital of the Company at par, provided such option be exercised within the time and the manner prescribed on the allotment of such bonds, and for the purpose of such conversion to create and issue shares or stock in the Company of equal amount.

IX. The number of Directors of the Company may be increased or reduced from time to time, by resolution of the Shareholders, at any general or special general meeting of the Company, after due notice for that purpose; and at such meeting the order of rotation in which such increased or reduced number shall go out of office, and what number shall be a quorum, shall be also determined: Provided that whatever be the whole number of Directors, one third at least shall always be English Directors; and so long as the guarantee of this Province shall continue in force, one third at least of the whole number shall be Government Directors, as provided by the said recited Acts, or some of them.

X. It shall be lawful for the Company at any time, and from time to time, to convert or consolidate all or any part of the shares into a General Capital Stock, to be divided amongst the Shareholders, or the several classes of Shareholders, according to their respective interests therein, and after such conversion, such stock, as well as any stock which shall have been created under the provisions in this Act contained for the conversion of bonds, shall be transferable and transmissible in any sums, or parts not being fractional parts of a pound, in the same manner and subject to the same regulations and provisions, so far as applicable, as are or shall be contained in the Acts then in force relating to the Company in reference to shares in the capital of the Company.

XI. The Company shall, from time to time, cause the names of the several parties interested in such stock and the amount of interest therein of such parties respectively, to be entered in a book to be called "The Stock Register;" and the several holders of such stock shall be entitled to

participate in the dividends and profits of the Company, according to their respective interests therein, and such interest shall, in proportion to the amount thereof, confer on the respective holders the same privilege of voting, qualification, and otherwise, as would have been conferred by shares of equal amount in the capital of the Company, but so that none of such privileges, except that of participation in the dividends and profits, shall be conferred by the holding of any aliquot part of such amount of stock, unless -such aliquot part, if existing in shares, would have conferred such privileges respectively.

XII. Whenever it shall be deemed expedient by the Board of Directors that a Special General Meeting of the Shareholders shall be convened, either for the purpose of increasing the Capital or increasing or reducing the number of Directors as aforesaid or for any other purpose, the Directors may convene such meeting by advertisement and circular in manner hereinafter mentioned, in which advertisement and circular the business to be transacted at such meeting shall be expressly stated; and suet meeting may be held either at Quebec or Montreal, or such other place in this Province as the Directors shall appoint.

XIII. Notice of any ordinary General Meeting of the Shareholders shall be given once in each of three consecutive weeks in the *Canada Gazette*, and in at least one other newspaper published in each of the Cities of Toronto, Kingston, Montreal and Quebec, on every day of the publication of such newspapers during the said periods.

XIV. The Notices of Special General Meetings of the Company for any of the purposes aforesaid shall be inserted in the same papers as are in this Act prescribed as necessary for convening ordinary General Meetings of the Company, and also in one or more of the Daily Morning Newspapers published in London in England; and a copy of such Notice shall also be addressed by Post to each Shareholder at his last known or usual address, not less than forty days before the holding of such meeting.

XV. If at any Ordinary General Meeting of the Shareholders, it shall be resolved that Ordinary General Meetings of the Company shall be held half-yearly, such meetings shall thenceforth be held half-yearly at such times and at such place or places in this Province as shall from time to time be appointed by the Directors.

XVI. In the event of its being determined in manner aforesaid that the Ordinary General Meetings of the Company shall be held half-yearly, the accounts of the Company shall be balanced and audited up to the thirtieth of June and thirty-first of December in each year, and dividends may be declared half-yearly, and the provisions of the Railway Clauses Consolidation Act applicable to the making up, balancing and auditing of accounts and the declaring and paying of dividends shall apply to such half-yearly meetings and to such half-yearly accounts and dividends.

XVII. Duplicates of all registers of Shares and Debentures of the Company and of the Shareholders thereof, or of the Stock Register, which shall at any time be kept at the principal office of the Company in this Province (such duplicates being authenticated by the signature of the Secretary of

the Company) may be transmitted to and kept by the agent for the time being of the Company in London aforesaid.

XVIII. Whenever any transfer shall be made in England of any Share or Stock of the Company, the delivery of the transfer duly executed, to the agent of the Company for the time being in London aforesaid, shall be sufficient to constitute the transferee a Shareholder or Stockholder in the Company in respect of the Share or Stock so transferred, and such agent shall transmit an accurate list of all such transfers to the Secretary of the Company in this Province, who shall thereupon make the requisite entries in the register; and the Directors may from time to time make such regulations as they shall think fit for facilitating the transfer and registration of Shares or Stock, as well in this Province as elsewhere, and as to the closing of the register of transfers for the purpose of dividend, as they may find expedient; and all such regulations not being inconsistent with the provisions of the Act first mentioned in the Preamble to this Act and of the Railway Clauses Consolidation Act, as altered or modified by this Act, shall be valid and binding.

XIX. Any party entitled to any debenture of this Province issued to the Company, or to any bond or debenture of the Company on which the whole amount shall have been paid up, may transfer his right and interest in any such bond or debenture and in the principal and interest moneys secured thereby, to any other person, by the delivery of such bond or debenture with the coupons or interest warrants attached thereto, without the necessity of a deed or instrument in writing for the purpose of effecting such transfer.

XX. And whereas by some of the Acts hereinbefore cited provision is made for the issue of debentures of the Province to certain of the Companies incorporated by such Acts respectively (which Companies now form part of the said Grand Trunk Railway Company of Canada) in the manner and at the times and on the conditions in the said Acts respectively expressed, and by the said amalgamation such debentures became and were declared to be the property of the said Grand Trunk Railway Company of Canada, and the right to claim such debentures (subject to the conditions aforesaid) has been dealt with and disposed of by the said Company; And whereas it would be convenient that instead of the provisions contained in the said recited Acts respectively for the issue of such Debentures at the time and in the events therein respectively mentioned, one general provision should be made as to the issue thereof, and the terms and conditions of such issue, and also that instead of the particular charges on the several Railways or portions of Railways mentioned in such Acts respectively, created or to be created by virtue of the said Acts respectively, in respect of such issues, one general charge should be created upon *The Grand Trunk Railway of Canada* to the extent of the whole amount of the Debentures of the Province issued or to be issued: Be it therefore enacted, That the Crown shall on behalf of the Provincial Government, have in respect of the Debentures issued or to be issued as aforesaid, a charge, hypothec or lien upon the whole Grand Trunk Railway of Canada, in the same manner and with the same preference and privilege, and to the same extent and with the same incidents as to redemption or otherwise, as but for such amalgamation the Provincial Government would have had upon the separate Railways or undertakings in respect of which, by the said several Acts respectively, such Debentures were to be issued; and it shall not be necessary for the said Company to make or keep separate accounts with respect to each undertaking forming part of the

said Grand Trunk Railway, upon which such charge attached or might attach, any thing in the said recited Acts or any of them to the contrary notwithstanding: And further, that whenever it shall be ascertained by the report of any Engineer to be appointed for that purpose by the Governor of this Province, that one hundred thousand pounds sterling has been actually and with due regard to economy expended on the said Grand Trunk Railway of Canada, in work done, or materials delivered on the ground, or both conjointly, or rolling stock provided, since the first day of July, one thousand eight hundred and fifty-three, Debentures of the Province may be issued to the said Company to the extent of forty thousand pounds sterling, and so *toties quoties* until Debentures shall have been issued to the full extent of the guarantee limited by the said recited Acts respectively, which guarantee amounts in the whole to one million, eight hundred and eleven thousand, five hundred pounds sterling; Provided that it shall be lawful for the Governor at any time before making or authorizing any issue of such Debentures, if he shall so think fit, to require that the Engineer to be appointed as aforesaid, shall report and certify that the works of the said Company are proceeding to his satisfaction with regard to the final completion of the several Railways and works included therein, and to suspend such issue until such report and certificate shall have been given; Provided also, that the limit of the entire provincial guarantee to the said Company shall not exceed the sum of Two Million, Two Hundred and Eleven Thousand, Five Hundred Pounds, including the amount of Four Hundred Thousand Pounds advanced to the St. Lawrence and Atlantic Railway Company, now amalgamated with the said Grand Trunk Railway Company; Provided also, that no Provincial Bonds shall be issued in favor of the said Company on account of any expenditure on the line of Railway between Point Levi and Richmond, or between Montreal and Portland, beyond the amounts already issued on account of those Roads, that is to say, Seven Hundred and Seventeen Thousand, Five Hundred Pounds, nor shall any Provincial Bonds be issued on account of expenditure on any branch Railway to be hereafter constructed, or on account of expenditure on any line of Railway now amalgamated or which may hereafter be amalgamated with *The Grand Trunk Railway of Canada*, excepting those forming the direct line from Trois-Pistoles to Sarnia, neither shall any larger amount than One Hundred Thousand Pounds sterling of Provincial Bonds be issued on account of expenditure on the Victoria Bridge.

XXI. And whereas by an Indenture bearing date the fifth of August, one thousand eight hundred and fifty-three, between the Atlantic and St. Lawrence Railroad Company, of the first part, and the Honorable John Ross, Benjamin Holmes and William Jackson, of the second part, that portion of the Atlantic and St. Lawrence Railway which extends from the City of Portland in the State of Maine to the border line of this Province, together with certain other properly therein described, was demised to the said parties of the second part, for the term of nine hundred and ninety-nine years, subject to the payment of the rent, and upon the terms and conditions, in such Indenture of Lease contained; And whereas such Lease was granted to and taken by the said parties of the second part, as Trustees for the said Grand Trunk Railway Company of Canada, or for the purpose of transferring the same to the said Company when they should be duly authorized to accept such transfer, and it is expedient that the said Company should be authorized to accept a transfer or assignment of such Lease from the said Lessees, and to become the Proprietors of the said portion of Railway and other property on the terms in such Lease mentioned: Be it therefore enacted, that it shall be lawful for the said Honorable John Ross, Benjamin Holmes and William Jackson, or the survivors or survivor of them, to transfer and assign to the said Company, and for the said

Company to accept and take the said Lease and the interest and property of the said Lessees therein, on the terms and conditions in the said Lease mentioned, with such modifications and alterations as shall be agreed to by the Directors of the said Company, and to indemnify the said Lessees from and against the covenants and conditions therein contained on the part of the said Lessees, and to hold the said portion of Railway and other property, subject to the rent and on the terms and conditions in the said Lease specified with such modifications as aforesaid; and that in case the said Lease shall be surrendered to the said Atlantic and St. Lawrence Railroad Company, it shall be lawful for the said Grand Trunk Railway Company of Canada to accept a new Lease from the said other Company, on such other terms and conditions as may be agreed between the said Companies.

XXII. It shall be lawful for the said Grand Trunk Railway Company of Canada, to construct, make and work any Branch Railway or Railways which they may deem it advisable to make, from any point or points on their main Railway to the River St. Lawrence or any of the Lakes thereon: Provided however, that no such Branch Railway shall be constructed beyond or west of the City of Toronto; And provided also that between Longueuil and Point Levi the only points of connexion between the said Railway and the St. Lawrence, by a Branch Railway, shall be some point on the Quebec and Richmond Railway, now part of *The Grand Trunk Railway of Canada*, and some point on the St. Lawrence opposite the Town or Parish of Three Rivers; and to any such Branch Railway and all matters relating thereto or to the working thereof, the provisions and enactments of this Act and of the Act first cited in the Preamble to this Act, (including those of the Railway Clauses Consolidation Act incorporated therewith, and the Act in addition to the said last mentioned Act,) subject to the exceptions mentioned in the twentieth section of this Act, in regard to the provincial guarantee, which shall in no case be granted to any such branch Railway, shall apply as fully to all intents and purposes as to the main Railway in the said first cited Act mentioned, except that the survey and plan of any such Branch may be made and deposited at any time before such Branch shall be commenced, and that such Branch shall be completed within such time as shall be appointed for the purpose by order of the Governor in Council, made and published in the manner hereinbefore mentioned, as regards orders in Council for extending the time for completing any part of the main Line of Railway of the said Company.

XXIII. It shall be lawful for the said Company to build or purchase, hold, navigate and work steamers and other vessels and craft as ferry boats for the conveyance of goods and passengers across the Bay of Quinte and the St. Lawrence, and to dispose of such steamers, vessels or craft when need shall be, and others to acquire in their stead, and to establish, demand and take tolls for the conveyance of goods and passengers, or other services performed by or with such steamers, vessels or craft, to which tolls all the provisions of the Railway Clauses Consolidation Act respecting tolls, shall apply.

XXIV. It shall be lawful for the said Company to make a branch railway from the Victoria Bridge, or from any Station on their railway within the City of Montreal, to the river St. Lawrence at or below the foot of the Current of St. Mary, but within the Parish of Montreal, and such branch may be made either by the way of and along the wharves, in front of the Common and Commissioners' street, and so along the bank of the river St. Lawrence, or by way of Craig street and such other

streets as may be found conveniently situated for the purpose of reaching the said Common and Commissioners' streets or Craig street, and for the purpose of reaching the terminus at or below the foot of the Current St. Mary hereinafter mentioned; and for the purpose of making and using such branch, (to which also all the provisions hereby made applicable to other branches shall apply,) it shall be lawful for the said Company to lay down and maintain rails and other requisite works along, through or across any of the streets of the said City of Montreal, as well as upon any lands they shall take or acquire from private parties, and to do all things which may be requisite for making and using the said branch railway so to be made in, through, across, or along the said streets: Provided always, that no rails shall be laid through or across any of the said public streets of the City of Montreal, unless the line of the said branch railway through the said streets shall have previously been approved by the City Council of the City of Montreal, and also by the Harbor Commissioners, should the said branch railway pass within their jurisdiction, for which purpose plans shall be submitted by the Company: And provided also, that the said rails shall not rise in any of the said streets above the general level of such streets: Provided further, that no steam engine shall be used on the said branch railway within the limits of the said City, unless under an express By-law of the City Council, and that the said Company shall be bound to submit to such rules and regulations as from time to time the said City Council and Harbor Commissioners may respectively make as to the speed and mode of working the said branch railway: Provided also, that such branch railway, or any part thereof, may be used by any other railway Company, on payment to *The Grand Trunk Railway Company of Canada*, of such compensation as may be agreed upon between the said Company and such other Railway Company, and in case the amount of such compensation cannot be agreed upon, the same shall be determined by three Arbitrators, each Company appointing one of the said Arbitrators, and the third to be appointed by a Judge of the Superior Court of Lower Canada.

XXV. It shall be lawful for the said Company to take, acquire and hold at the terminus of the Branch last aforesaid, at or below the said Current of St. Mary's, such extent of land as they may deem requisite for such terminus, and the station and other works which the Company may build and erect at such terminus, not exceeding twenty-five acres, the frontage of which shall not exceed live acres; and it shall also be lawful for the said Company to build and hold at such terminus such wharves as they may deem necessary for their use, in case the Harbour Commissioners of Montreal shall not consider it expedient to build such wharves; Provided always, that if such wharves are built by the Company, they shall be subjected to the By-laws, Regulations and Tariff of the said Harbour Commissioners, who will have to pay, semi-annually, to the said Company, the interest on the amount expended for the building of such wharves; And provided also, that it shall be in the power of the said Harbour Commissioners to resume, at any time, the possession of such wharves, by paying to the said Company the amount expended in their construction, and by leaving to the said Company the use of such wharves or so much of them as the said Company will require, under payment of such harbour or wharfage dues as the said Harbour Commissioners may deem fit to impose.

XXVI. The said Company may construct any temporary building required for the purpose of more conveniently carrying on their works, or any of them, of wood or other materials, notwithstanding such building may be within the limits of any Municipality and there may be a By-law or By-laws

thereof prohibiting the erection of buildings of wood or such other materials of which such building of the Company is constructed, provided no such prohibited building be intended or be allowed to remain after the construction of the works, and provided also that any such prohibited building shall be constructed at a distance of at least two hundred yards from any neighbouring building.

XXVII. If hereafter any other Railway Company shall form a union with the said Company, under the provisions of the Statutes in that behalf provided, the corporate name and existence of such other Company shall be merged in that of *The Grand Trunk Railway Company of Canada*, which shall thereafter be the name of the United Company, and the name *The Grand Trunk Railway of Canada*, shall thereafter include the Railway and works which such other Company was authorized to construct.

XXVIII. Any copy or extract from any agreement with any such other Company, under which a union may be formed between the said Company and such other Company, or any agreement, deed or lease for the purchase or demise of any other Railway, or of or from any proceedings of the Directors or Stockholders of either Company with reference to such union, purchase or lease, certified to be true copies or extracts, in the manner provided by the second section of this Act, shall be *primâ facie* evidence of such agreement, deed, lease or proceedings, or of the part thereof set forth in such extract.

XXIX. And if at any time any hypothecary, petitory, or possessory action, or any action of ejectment, or any action or suit founded upon mortgage, lien, or charge upon any lands then in possession of the said Grand Trunk Railway Company of Canada, shall be brought, the payment into Court by the said Company, of the sum which they or the Company first empowered to construct such Railway or work, may have actually paid to the party entitled to receive the same, or which may have been agreed or awarded to be paid by them for such lands, or the sum representing the value thereof at the time, if the sum or price agreed or awarded be proved by such plaintiff not to be the true value, shall operate an immediate stay of all proceedings in such suit or action as against the said Grand Trunk Railway Company of Canada, if they think proper to declare their intention not to defend the same, and the Court shall thereafter make such order with respect to the distribution of such sum so paid into Court, as to law and right may appertain, and may order such proof as the Court may think proper of the right of the party bringing such suit or action, to the said sum, which shall be held to represent the land in question as regards the claim so made to or upon the same; and the Company shall pay no costs incurred after such payment into Court, (unless, in Upper Canada, it shall be found by such Court that a sufficient sum has not been paid by the said Company,) with costs of suit and proceedings had before the time of such payment; and if the Court shall adjudge that the party bringing such suit or action, is not entitled to the said sum or is only entitled to part thereof, the said sum or the part thereof to which such party is not entitled, shall be paid out of Court to the Company: and in no case shall the said Company be adjudged to give up possession of any such lands of which they have once lawfully obtained possession, but the sum lawfully paid, unless to a party not entitled to receive the same, agreed upon, or awarded to be paid by them for the same, or the value, shall represent the lands, and the claims to or upon them shall be by such possession converted into a claim to or

upon the sum aforesaid: Provided always, that nothing in this section shall be construed to take away or weaken any defence which the Company may have to such suit or action under any other Act or Law, or to impair the effect of any proceeding which they may have taken under any such Act or Law, to bar any or all claims to or upon such lands.

XXX. This Act shall be a Public Act.