

S. 21, replaced  
Valuation of  
certain build-  
ings.

**9.** Section 21, is repealed and replaced by the following :  
“ 21. In villages, all neighboring buildings, situated at a distance of less than fifty feet from each other, shall be valued separately and proportionately, in such a manner that their aggregate value shall not exceed three thousand dollars.”

Act in force.

**10.** The present act shall come into force on the day of its sanction.

### C A P. X L I.

An Act to amend the Act, 28 Victoria, chapter 13, amending chapter 68 of the Consolidated Statutes for Lower Canada, respecting Mutual Insurance Companies.

[Assented to 24th July, 1880.]

**H**ER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

Sec. added  
after S. 7 of  
28 V., c. 13.  
Power of direc-  
tors to facili-  
tate winding  
up of affairs.

**1.** After section 7 of the act 28 Victoria, chapter 13, the following section is added :

“ 7a. And in order to facilitate the final liquidation of the affairs of the company, it shall be lawful for the directors to convey or sell, in whole or in part, the debts due to the company, as they shall deem most advantageous; provided that no such conveyance or sale take place unless after one month shall have expired from the day on which such debt shall have become due ; and the purchasers shall, by such conveyance or sale, be subrogated into all the rights held by the company for the recovery of such debts.”

Act in force.

**2.** This act shall come into force on the day of its sanction.

### C A P. X L I I.

An Act to amend the Town Corporations' General Clauses Act, (40 Victoria, Chapter 29.)

[Assented to 24th July, 1880.]

**H**ER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

S. 322 of 40 V.  
c. 29, amended

**1.** Section 322 of the Town Corporations' General Clauses Act, (40 Vict., chap. 29.) is amended by inserting after the

word : "company," in the second, third and fourth lines, the words : "person or association of persons."

2. This act shall come into force on the day of its Act in force. sanction.

### CAP. XLIII.

An Act to amend and consolidate "The Quebec Railway Act, 1869," and the Acts amending the same.

[Assented to 24th July, 1880.]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

1. In citing this act, it shall be sufficient to use the ex-Short title.pression "The Quebec Consolidated Railway Act, 1880."

#### APPLICATION OF ACT.

2. The provisions of this act, from section five to section thirty-three, both inclusive, being Part First of this act, shall apply to the Quebec, Montreal, Ottawa and Occidental Railway, constructed under the authority of the act of this Legislature, passed in the thirty-ninth year of Her Majesty's Reign, and intituled: "An Act respecting the construction of the Quebec, Montreal, Ottawa and Occidental Railway," that is to say, in so far as they are applicable to the undertaking, and in so far as they are not inconsistent with or contrary to the provisions of the said act, or any other act respecting the same. Application of certain sections of this act. 39 Viet., c. 2.

2. The said sections shall also apply to every railway constructed or to be hereafter constructed under the authority of any act passed by this Legislature, and shall, in so far as they are applicable to such undertaking, and unless they are expressly varied or excepted by the special act, be incorporated with the special act, form part thereof, and be construed therewith as forming one act. The same.

3. For the purpose of excepting, from incorporation with the special act, any of the sections forming Part First of this act, it shall be sufficient, in the special act, to enact, that the sections of this act, designating them by their title, proposed to be excepted, shall not be incorporated with such act, and the special act shall be construed accordingly. How any section may be excepted from incorporation with any special act.

4. The remaining provisions of this act, from section thirty-four to section ninety-seven inclusively, being Part Application of certain provi-

sions of this  
act.

Second, shall apply to the Quebec, Montreal, Ottawa and Occidental Railway, in so far as they are not varied by, or inconsistent with the special act respecting it, or contrary to its provisions, to all railways in course of construction by the government of the Province of Quebec, and the property of the Province of Quebec, in the year eighteen hundred and sixty eight, in so far as they are not inconsistent with any special act respecting them, and to all railways, which have been in or since the said year, or which may be hereafter constructed, under the authority of any special act passed by the Legislature of the Province of Quebec, and to all companies incorporated for their construction and working; subject always to any provisions hereinafter made as to the application of any section or provision of either part of the present act to any Railway, or as to the time from which it is to be held as so applying.

Subject to pro-  
visions of this  
act.

## PART FIRST.

### INTERPRETATION.

Interpretation  
of words:—  
“The special  
act;”

5. The expression: “The Special Act,” used in this act shall be construed to mean any act authorizing the construction of a railway, with which this act or “The Quebec Railway Act, 1869,” is incorporated;

“Prescribed;”

2. The word: “prescribed,” used in this act in reference to any matter herein stated, shall be construed to refer to such matter, as the same is prescribed or provided for in the special act; and the sentence in which such word occurs shall be construed as if, instead of the word: “prescribed,” the expression: “prescribed for that purpose in the special act” had been used;

“The lands;”

3. The expression: “the lands,” shall mean the lands which, by the special act, are authorized to be taken or used for the purpose thereof;

“The under-  
taking.”

4. The expression: “the undertaking,” shall mean the railway and works, of whatever description, by the special act authorized to be constructed or executed.

In this and the  
special act:

5. The following words and expressions, both in this and the special act, shall have the meanings hereby assigned to them, unless there is something in the subject or context repugnant to such construction, that is to say:

“Lands;”

6. The word: “Lands,” shall include all real estate, messuages, lands, tenements and hereditaments of any tenure;

“Lease;”

7. The word: “Lease,” shall include any agreement for a lease;

“Toll;”

8. The word: “Toll,” shall include any rate or charge or other payment, payable under this act or the special act, for

any passenger, animal, carriage, goods, merchandise, matters or things conveyed on the railway ;

9. The word : " Goods," shall include things of every " Goods ;" kind that may be conveyed upon the railway, or upon steam or other vessels connected therewith ;

10. The word : " County," shall include any union of " County ;" counties, any county, or any division thereof into separate municipalities ;

11. The word : " Highway," shall mean all public roads, " Highway ;" streets, lanes, and other public ways of communication ;

12. The word : " Sheriff," shall include the deputy sheriff, " Sheriff ;" the under-sheriff, or other legal competent delegate ; and where any matter in relation to any lands is required to be done by any sheriff or clerk of the peace, the expression : " the sheriff," or the expression : " Clerk of the Peace," " Clerk of the Peace ;" shall, in such case, be construed to mean the sheriff or clerk of the peace of the district, where such lands are situate ; and if the lands in question, being the property of one and the same party, be situate not wholly in one district, the same expression shall be construed to mean the sheriff or clerk of the peace of any such district, where any part of such lands are situate ;

13. The word : " Justice of the peace," shall mean a justice of the peace, acting for the district where the matter requiring the cognizance of a justice arises, and who is not interested in the matter ; and whenever the matter arises in respect of lands, being the property of one and the same party, not situate and wholly in any one district, such expression shall mean a justice acting for the district where any part of such lands are situate, and who is not interested in such matter ; and where any matter is authorized or required to be done by two justices, the expression : " Two Justices of the peace," shall be understood to mean two " Two Justices of the Peace ;" justices assembled and acting together ;

14. The word : " owner," wherever, under the provisions of " Owner ;" this act or the special act, any notice is required to be given to the owner of any lands, or where any act is authorized or required to be done with the consent of the owner, shall be understood to mean any corporation or person who, under the provisions of this act, or the special act, or any act incorporated therewith, would be enabled to sell and convey lands to the company ;

15. The expression : " the Company," shall mean the " The Company ;" company or party authorized by the special act to construct the railway ;

16. The expression : " the railway," shall mean the railway and the works by the special act authorized to be constructed or executed. " The Railway ;"

## INCORPORATION.

Companies established under special acts, declared to be bodies corporate, &c.

Civil Code.

6. Every company established under any special act, shall be a body corporate under the name declared in the special act, and shall be vested with all the powers, privileges and immunities, which are or may be necessary to carry into effect the intentions and objects of this act and of the special act therefor, and which are incident to such corporation, or are expressed or included in "the Civil Code."

## POWERS.

Powers :

To receive grants of land, &c ;

To purchase land ;

To occupy public lands, beaches, &c., with consent of the Crown ;

Proviso.

Power to carry railway across lands of corporations and others ;

And across or along streams, &c ;

Proviso.

7. The company shall have power and authority :

1. To receive, hold and take all voluntary grants and donations of land or other property made to it, to aid in the construction, maintenance and accommodation of the railway ; but the same shall be held and used for the purpose of such grants or donations only ;

2. To purchase, hold and take of any corporation or person, any land or other property necessary for the construction, maintenance, accommodation and use of the railway, and also to alienate, sell or dispose of the same at pleasure ;

3. No railway company shall take possession of, use or occupy any lands belonging to the province, without the consent of the Lieutenant Governor in council ; but, with such consent, any such company may take and appropriate, for the use of their railway and works, but not alienate, so much of the wild lands of the Crown, lying on the route of the railway, as have not been granted or sold, and as may be necessary for such railway, as also so much of the public beach or of the land covered with the waters of any lake, river, stream or canal, or of their respective beds, as is necessary for making and completing and using their said railway and works ; subject, however, to the authority and control of the Parliament of Canada, in so far as shipping and navigation are concerned ;

4. The company shall have power and authority to make, carry or place the railway across or upon the lands of any corporation or person on the line of the railway, or within the distance from such line stated in the special act, although, through error or other cause, the name of such party has not been entered in the book of reference hereinafter mentioned, or although some other corporation or party has been erroneously mentioned as the owner of or entitled to convey, or as interested in such lands ;

5. To construct, maintain and work the railway across, along, or upon any river, water-course, canal, highway or railway which it intersects or touches ; but the river,

water-course, highway, canal or railway so intersected or touched, shall be restored by the company to its former state, or to such state as not to impair its usefulness ; subject always however to the authority and control of the Parliament of Canada, in so far as respects shipping and navigation ;

6. To make, complete, change and keep in repair the Railway with one or more sets of rails or tracks to be worked by the force and power of steam, or of the atmosphere, or of animals, or by mechanical power, or by any combination of them ; To complete railway with one or more tracks, &c ;

7. To erect and maintain all necessary and convenient buildings, stations, depôts, wharves and fixtures, and, from time to time, to change, repair or enlarge the same, and to purchase and acquire stationary or locomotive engines and carriages, waggons, floating stages and other machinery necessary for the accommodation and use of the passengers, freight and business of the railway ; To erect necessary buildings, wharves, &c.

8. To make branch railways, if required, and authorized by the special act, and to manage the same, and, for that purpose, to exercise and possess all the powers, privileges and authority necessary therefor, in as full and ample a manner as for the railway ; Branch railways ;

9. To construct and make all other matters and things necessary and convenient for the making, extending and using of the Railway, in pursuance of this act, and of the special act ; All other matters and things necessary for the railway ;

10. To take, transport, carry and convey persons and goods on the railway ; to regulate the time and manner in which the same shall be transported, and the tolls and compensation to be paid therefor, and to receive such tolls and compensation ; To convey persons and goods on railway ;

11. To borrow, from time to time, either in Canada or elsewhere, such sums of money as may be expedient for completing, maintaining or working the railway, and at a rate of interest not exceeding the legal rate per annum, and to make the bonds, debentures or other securities, granted for the sums so borrowed, payable either in currency or in sterling, and at such place, or places within Canada or without, as may be deemed advisable, and to sell the same at such prices or discount as may be deemed expedient, or be necessary, and to hypothecate, mortgage or pledge the lands, tolls, revenues and other properties of the company, for the due payment of the said sums borrowed and the interest thereon ; but no such debenture shall be for a less sum than one hundred dollars ; To borrow money, &c ; To issue bonds, debentures, &c., pledging company's property ;

12. To enter into and upon any Crown lands, without previous license therefor, or into and upon the lands of any corporation or person whatsoever, lying in the To enter upon lands, &c., for survey, etc. ;

intended route or line of the railway ; and to make all surveys, examinations, or other necessary arrangements on such lands necessary for fixing the site of the railway, and to set out and ascertain such parts of the lands as are necessary and proper for the railway ;

To remove  
trees ;

13. To fell or remove any trees standing in any woods, lands or forests, where the railway passes, to the distance of six rods from either side thereof ;

To cross or  
unite with  
other rail-  
ways ;

14. To cross, intersect, join and unite the railway with any other railway, at any point on its route, and upon the lands of such other railway, with the necessary conveniences for the purposes of such connection ; and the owners of both railways may unite in forming such intersection, and grant 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 crossing or connection, the same shall be determined by arbitrators to be appointed by a Judge of the Superior Court ;

But not with-  
out applica-  
tion to the  
railway com-  
mittee, under  
section 34 ;

15. But no railway company shall avail itself of any of the powers contained in the next preceding sub-section, without application to the railway committee, constituted under the section 34 of this act, for approval of the mode of crossing, union or intersection proposed, of which application, notice in writing shall be given to any other railway company affected, by sending the same by mail or otherwise, to the address of the president, superintendent, managing director or secretary of any such railway company, and when such approval has been obtained, it shall be lawful for either railway, in case of disagreement as to the amount to be paid for compensation, to proceed for the determination of such compensation as provided in the said sub-section.

To construct  
branch rail-  
ways on cer-  
tain condi-  
tions ;

16. Any railway company may construct a branch or branches, not exceeding six miles in length, from any terminus or station of their railway, whenever a by law, sanctioning the same, has been passed by the municipal council of the municipality, within the limits of which such proposed branch is situate, and no such branch shall, as to the quality and construction of the road, be subject to any of the restrictions contained in the special act or in this act, nor shall anything in either of the said acts authorize the company to take, for such branch, any lands belonging to any party, without the consent of such party, first obtained ;

To construct  
branch lines  
for certain  
purposes ;

17. For the purpose of connecting any city, town, village, manufactory or manufactories, mine or mines, or any quarry or quarries of stone or slate, or any well or spring, with the main line of the railway of the company, or with any branch thereof, or with any railway worked or leased by

the company; and for the purpose of giving increased facilities to business, or for the purpose of transporting the products of any such manufactory, mine, quarry, well or spring, it shall be lawful for the company to build, make and construct, and to work and use, sidings, switches or branch lines of railway, not to exceed in any one case, six miles in length: Provided always, that the company shall not proceed to locate or build any branch line of more than one quarter of a mile in length, under this section of this act, until public notice shall have been given for six weeks, in some newspaper published in the county or counties through or in which such branch line is to be made, that it is the intention of the company to apply to the Lieutenant Governor in council to sanction the building of such branch line, and to expropriate the necessary lands for that purpose, under the compulsory powers vested in them by this act, or by any other act in their behalf; nor unless the company shall, prior to the first publication of such notice, have deposited in the registry office of any city, county or part of a county, in which the line or any part thereof is to be constructed, the maps and plans indicating the location of the line; nor until the company shall have submitted such maps and plans to, and until such maps and plans shall have been approved by the Lieutenant Governor in council, after the expiration of the notice: And provided further, that the order of the Lieutenant Governor in council, approving the said maps and plans, shall limit the time, not exceeding two years from the date of such order, within which the company may construct such branch line;

*Proviso.*

*Notice to be given;*

*Maps and plans; approval of lieutenant governor in council.*

*Proviso; time for construction limited.*

b. For any and every such purpose, each and every company herein referred to, shall have and may exercise all the powers given them, with respect to their main line, by the act incorporating the company, and the acts amending the same, or relating to the company, or the act authorizing the construction of the main line, and this act and any act amending the same; and each and all the provisions of the said act, which are applicable to such extension, shall extend and apply to every such siding, switch or branch line of railway;

*Power of company as to such branch lines;*

18. Any railway company, desiring, at any time, to change the location of its line of railway in any particular part, for the purpose of lessening a curve, reducing a gradient, or otherwise benefiting such line of railway, or for any other purpose of public advantage, may make such change; and all and every the clauses of this act shall refer as fully to the part of such line of railway, so at any time changed or proposed to be changed, as to the original line; but no railway company shall have any right to extend its line of railway beyond the termini mentioned in the special act;

*To make changes in the line of railway at any time for certain purposes;*

*Proviso.*



To increase  
the capital  
stock; how  
and on what  
conditions.

19. The original capital stock of any railway company may be increased at will to any amount; but such increase must be sanctioned by a vote in person or by proxy, of at least two-thirds in amount of all the shareholders, at a meeting expressly called by the directors for that purpose, by a notice in writing to each shareholder, served on him personally, or properly directed to him, and deposited in the post office, at least twenty days previous to such meeting, stating the time and place and object of the meeting, and the amount of increase, and the proceedings of such meeting must be entered on the minutes of the proceedings, and thereupon the capital stock may be increased to the amount mentioned by such a vote.

#### PLANS AND SURVEYS.

8. Plans and surveys shall be made and corrected as follows:

Provisions res-  
pecting sur-  
veys and  
levels.

Map and book  
of reference;  
contents:

1. Surveys and levels shall be taken and made of the lands through which the railway is to pass, together with a map or plan thereof, and of its course and direction, and of the lands intended to be passed over and taken therefor, so far as then ascertained; and, also a book of reference for the railway, in which shall be set forth:

- a. A general description of the said lands;
- b. The name of the owners and occupiers thereof, so far as they can be ascertained, and
- c. Everything necessary for the right understanding of such map or plan;

To be ex-  
amined, certi-  
fied and copies  
deposited.

2. The map or plan and book of reference shall be examined and certified by the commissioner of agriculture and public works, or by his deputy and a duplicate thereof so examined and certified, shall be deposited in the office of the department of agriculture and public works, and the company shall be bound to furnish copies of such map or plan and book of reference, or of such parts thereof as relate to each county through which the railway is to pass, to be deposited in the registry offices for such counties respectively;

Access to  
copies.

3. Any person may resort to such copies, and may make extracts or copies thereof, as occasion requires, paying to the registrars, at the rate of ten cents for every hundred words;

Certified copies  
to be evidence.

4. Such map or plan and book of reference so certified, or a true copy thereof, certified by the commissioner of agriculture and public works, or by the registrars, shall be sufficient evidence in any court of law and elsewhere;

Omission or  
errors how  
remedied.

5. Any omission, mis-statement or erroneous description of such lands, or of the owners or occupiers thereof, in any

map, or plan or book of reference, may, after giving ten days' notice to the owners of such lands, be corrected by any Judge of the Superior Court, on application made to him for that purpose, and, if it appears to him that such omission, mis-statement or erroneous description arose from mistake, he shall certify the same accordingly ;

6. The certificate shall state the particulars of any such omission, and the manner thereof, and shall be deposited with the registrars of the counties respectively in which such lands are situated, and be kept by them, along with the other documents to which they relate ; and thereupon, such map, or plan or book of reference shall be deemed to be corrected according to such certificate ; and the company may make the railway in accordance with the certificate ;

7. If any alterations from the original plan or survey are intended to be made in the line or course of the railway, a plan and section of such alterations, as have been approved of by the Legislature, on the same scale and containing the same particulars as the original plan or survey, shall be deposited in the same manner as the original plan, and copies or extracts of such plan and section, so far as they relate to the several districts or counties, in or through which such alterations have been authorized to be made, shall be deposited with the registrars of such counties ;

8. Until such original map, or plan or book of reference, or the plans and sections of the alterations, have been so deposited, the execution of the railway, or of the part thereof affected by the alterations, as the case may be, shall not be proceeded with ;

9. The registrars shall receive and retain the copies of the original plans and surveys, and copies and extracts thereof respectively, and shall permit all persons interested to inspect any of the documents aforesaid, and to make copies and extracts of and from the same, under a penalty for each default of four dollars ;

10. The copies of the maps, plans and books of reference, or of any alteration or correction thereof, or extracts therefrom, certified by the registrar, shall be received in all courts of justice, or elsewhere, as proof of the contents thereof, and the registrar shall give such certificate to all parties interested, when required ;

11. No deviation of more than one mile from the line of the railway or from the places assigned thereto, in the said map or plan, and book of reference or plans or sections, shall be made into, through, across, under or over any part of the lands not shewn in such map or plan and book of reference, or plans or sections, or within one mile of the

Proviso.

said line and place, save in such instances as are provided for by the special act;

As to errors in the name of a person entered in book of reference.

12. The railway may be carried across or upon the lands of any person on the line, or within the distance from such line as aforesaid, although the name of such person has not been entered in the book of reference through error or any other cause, or though some other person is erroneously mentioned as the owner of or entitled to convey, or as interested in such lands;

Map, &c., of railway to be filed in the department of agriculture and public works.

13. A map and profile of the completed railway and of the land taken or obtained for the use thereof, shall, within six months after completion of the undertaking, be made and filed in the department of agriculture and public works, and like maps of the parts thereof, located in different districts and counties, shall be filed in the registry offices for the counties in which such parts are respectively situate; and any company failing or neglecting to furnish such map within the said period, shall incur a penalty of two hundred dollars, and a like penalty for each and every month such failure or neglect shall continue, recoverable in Her Majesty's name in any court of competent jurisdiction;

On what scale and paper to be drawn.

14. Every such map shall be drawn on such scale, and on such paper, as may, from time to time, be designated for that purpose by the commissioner of agriculture and public works, and shall be certified and signed by the president or engineer of the corporation;

Plans, &c., heretofore deposited with clerks of the peace to be transferred to registrars.

15. The plans and books of reference which have, before this date, been deposited in the offices of the peace by railway companies, under the jurisdiction of this Legislature, shall, within three months from the sanction of the present act, be delivered and deposited by such clerks of the peace in the registry offices of the counties, in which are situated the lands mentioned in such plans and books of reference, and such clerks of the peace shall obtain a receipt from such registrar for such plans and books of reference; provided however that when a plan and book of reference shall include lands situated in more than one county, although in one district only, such plan and book of reference may be deposited in the registry office of either of the said counties, and, in such case, the registrar, who shall have received such deposit, shall cause to be made, by a sworn land surveyor, a copy of that portion of the plan, which is to be deposited in the registry office of the other county or counties, in which are situated some of the lands mentioned in the said plan, and he shall prepare and certify a copy of the book of reference to make it correspond with the said plan; which said copies of the plan and book of reference shall be deposited by the said registrar in the registry offices of the counties to

Proviso; If lands are in more than one county.

Copies to be deposited.

which such copies of the plan and book of reference relate; provided moreover that the costs and disbursements, occasioned by such copies of the plan and book of reference, shall be at the expense of the railway companies interested, and shall be, by the latter, paid to the said registrar who, to that end, shall have a right of action in his own name against all such companies.

Proviso; Costs of making such copies to be paid by railway companies.

#### LANDS AND THEIR VALUATION.

9. The lands which may be taken without the consent of the proprietor thereof, shall not exceed thirty-three yards in breadth, except in places where the railway is raised more than five feet higher, or cut more than five feet deeper than the surface of the line, or where a double track is established, or where stations, depôts or other constructions shall be erected, or goods delivered; and then not more than two hundred and fifty yards in length by one hundred and fifty yards in breadth, without the consent of the person authorized to convey such lands; and the places, at which such extra breadth is to be taken, shall be shewn on the map or plan, or plans or sections, in so far as the same may be then ascertained, but their not being so shewn upon the plans shall not prevent such extra breadth from being taken, provided it be taken upon the line shewn or within the distance aforesaid from such line;

Extent of lands to be taken without consent of proprietors.

Extra breadth for stations, &c.

2. The extent of the public beach, or of the land covered with the waters of any river or lake in this province, taken for the railway, shall not exceed the quantity limited in the next preceeding sub-section;

Extent of public beach to be taken.

3. All corporations and persons whatsoever, usufructuaries, institutes, guardians, curators, executors, administrators, and all other trustees whatsoever, not only for and on behalf of themselves, their heirs and successors, but also for and on behalf of those whom they represent, whether infants, issue unborn, lunatics, idiots, *femes covert*, or other persons, seized, possessed of, or interested in any lands, may contract, sell and convey unto the company all or any part thereof; provided always that, in all cases in which the parties, above mentioned, shall have no legal right to sell and convey the ownership of the said lands, they shall, after having given due notice to the parties interested, obtain, from a judge of the Superior Court, permission to sell such lands; and the said judge shall give the necessary orders for the investment of the price thereof, in such manner as he shall deem expedient and in accordance with the laws of the Province to protect the rights of the owner of such lands;

Corporations, &c., may convey lands to company.

Proviso; order of judge required in certain cases.

4. But the powers by the next preceeding sub-section, conferred upon ecclesiastical and other corporations,

Limitations of powers in certain cases.

trustees of land, for church or school purposes, or either, executors appointed by wills, in which they are not invested with any power over the real estate of the testator, administrators of persons dying intestate, but at their death seized of real estate, shall only extend and be exercised with respect to any of such lands actually required for the use and occupation of any railway company ;

Effect of sale under preceding sub-sections.

5. Any contract, agreement, sale, conveyance and assurance so made, under the two preceding sub-sections, shall be valid and effectual in law, to all intents and purposes whatsoever, and shall vest in the railway company, receiving the same, the fee-simple in the lands in such deed described, freed and discharged from all trusts, restrictions and limitations whatsoever ; and the corporation or person so conveying, is hereby indemnified for what it or he respectively does by virtue and in pursuance of this act ;

Disposition of purchase money.

6. The company shall not be responsible for the disposal of any purchase-money for lands taken by them for their purposes, if paid to the owner of the land, or into court for his benefit, as hereinafter provided ;

Effect of contracts made before deposit of map.

7. Any contract or agreement made by any party authorized by this act to convey lands, and made before the deposit of the map or plan and book of reference, and before the setting out and ascertaining of the lands required for the railway, shall be binding at the price agreed upon for the same lands, if they are afterwards so set out and ascertained, within one year from the date of the contract or agreement, and although such land may in the meantime, have become the property of a third party ; and possession of the land may be taken and the agreement and price may be dealt with, as if such price had been fixed by an award of arbitrators as hereinafter provided, and the agreement shall be in the place of an award ;

Corporations or others who cannot sell in ordinary course of law, may agree upon a fixed rent.

8. All corporations or persons who cannot, in common course of law, sell or alienate any lands so set out and ascertained, shall agree upon a fixed annual rent as an equivalent, and not upon a principal sum, to be paid for the lands ; and if the amount of the rent is not fixed by voluntary agreement or compromise, it shall be fixed and all proceedings shall be regulated in the manner herein prescribed ;

Lien for payment of such rent.

9. And for the payment of the said annual rent, and every other annual rent agreed upon or ascertained, and to be paid for the purchase-money of any lands, or for any portion of the purchase-money of any land which the vendor agrees to leave in the hands of the company, the railway and the tolls thereon shall be liable and chargeable, in preference to all other claims and demands thereon

whatsoever, provided the deed creating such charge and mortgage be duly registered in the registry office of the proper district, county, or registration division ;

10. Whenever there is more than one party proprietor of any land as joint tenant, or tenants in common, or *par indivis*, any contract or agreement made in good faith with any party or parties, proprietor or being together proprietors of one third or more of such land, as to the amount of compensation for the same or for any damages thereto, shall be binding as between the remaining proprietor or proprietors, as joint tenants or tenants in common and *par indivis* ; and the proprietor or proprietors who have so agreed, may deliver possession of such land, or empower the entry upon the same, as the case may be ;

11. After one month from the deposit of the map or plan and book of reference, and from notice thereof in at least one newspaper, if there be any, published in each of the counties through which the railway is intended to pass, application may be made to the owners of lands or to parties empowered to sell lands, or interested in lands, which may suffer damage from the taking of materials, or the exercise of any of the powers granted to the railway, and, thereupon, agreements and contracts may be made with such parties, touching the said lands or the compensation to be paid for the same, or for the damages, or as to the mode in which such compensation shall be ascertained, as may seem expedient to both parties ; and in case of disagreement between them, or any of them, then all questions which arise between them shall be settled as follows, that is to say :

12. The deposit of a map or plan and book of reference, and the notice of such deposit, shall be deemed a general notice to all the parties, of the lands which will be required for the railway and works ;

13. The notice served upon the party shall contain :

a. A description of the lands to be taken, or of the powers intended to be exercised with regard to any lands, describing them ;

b. A declaration of readiness to pay some certain sum or rent, as the case may be, as compensation for such lands or for such damages ; and,

c. The name of a person to be appointed as the arbitrator of the company, if their offer be not accepted ; and such notice shall be accompanied by the certificate of a sworn surveyor for the province, disinterested in the matter, and not being the arbitrator named in the notice, establishing ;

That the land, (if the notice relate to the taking of land,) shewn on the said map or plan, is required for the railway, or is within the limits of deviation, hereby allowed ;

Proviso.

When more than one proprietor, agreement with one suffices in certain cases and conditions.

After one month's notice of deposit of map, &c., application to the owner of lands.

Arbitration in default of agreement.

Deposit of plan, &c., to be general notice.

Notice to opposite party, and what it must contain.

That he knows the land, or the amount of damage likely to arise from the exercise of the powers; and

That the sum so offered is, in his opinion, a fair compensation for the land, and for the damages caused;

If the opposite party is absent or is not known, application to judge.

14. If the opposite party is absent from the district or county in which the lands lie, or is unknown, then, upon application to any judge of the Superior Court, residing in the district, or to any judge of the said court, exercising his functions therein, accompanied by such certificate as aforesaid, and by an affidavit of some officer of the company, establishing that the opposite party is so absent, or that, after diligent enquiry, the party on whom the notice ought to be served cannot be ascertained, the judge shall order a notice, as aforesaid, (but without a certificate) to be inserted three times in the course of one month in some newspaper published in such district or county; and if there be no newspaper published therein, then in a newspaper published in some adjacent district or county;

If judge be interested.

15. Whenever any of such judges is interested in any lands, required by the company, within the district in which he resides, or in which he exercises his functions, or whenever there is no judge in such district, any judge of the Superior Court, residing or exercising his functions in any adjoining district, who is not interested, shall, on the application of the company, or of the opposite party, exercise, in such cases, all the powers given by this section to the resident judge, or to any judge exercising his functions in the district in which the required lands are situated;

Party not accepting the company's offer, and not appointing an arbitrator.

16. If, within ten days after the service of such notice, or within one month after the first publication thereof, the opposite party does not notify to the company his acceptance of the sum offered by them, or notify to them the name of a person whom he appoints as arbitrator, then the judge shall, on the application of the company, appoint a sworn surveyor for the Province, to be sole arbitrator for determining the compensation to be paid as aforesaid;

Appointment of arbitrator by opposite party; third arbitrator.

17. If the opposite party, within the time aforesaid, notifies to the company the name of his arbitrator, then the two arbitrators shall jointly appoint a third, or if they cannot agree upon a third, then the judge of the Superior Court shall, on the application of the party or of the company (previous notice of, at least, two clear days having been given to the other party,) appoint a third arbitrator;

Duties of arbitrators.

18. The arbitrators, or two of them, or the sole arbitrator, being sworn before some justice of the peace for the district or county in which the lands lie, faithfully and impartially to perform the duties of their office, shall proceed to ascertain the said compensation, which the com-

pany must pay in such way as they or he, or a majority of them, deem best, and the award of such arbitrators, or any two of them, or of the sole arbitrator, shall be final and conclusive; but no such award shall be made, or any official act be done, by such majority, except at a meeting held at a time and place of which the other arbitrator has had at least two clear days' notice, or to which some meeting, at which the third arbitrator was present, had been adjourned; and no notice to either of the parties shall be necessary, but each party shall be held sufficiently notified, through the arbitrator appointed by him, or whose appointment he required;

Award of two to be sufficient.

19. The arbitrators, in deciding on such value or compensation, are authorized and required to take into consideration the increased value that would be given to any lands or grounds through or over which the railway will pass, by reason of the passage of the railway through or over the same, or by reason of the construction of the railway, and to set off the increased value that will attach to the said lands or grounds, against the inconvenience, loss or damage that might be suffered or sustained, by reason of the company taking possession of or using the said lands or grounds as aforesaid;

Arbitrators to consider increased value of remaining lands.

20. If in any case where three arbitrators have been appointed, the sum awarded is not greater than that offered, the costs of the arbitration shall be borne by the opposite party, and be deducted from the compensation, but if otherwise, they shall be borne by the company, and in either case, they may, if not agreed upon, be taxed by the judge, upon a petition to that effect duly served upon the adverse party at least two days beforehand, with a copy of the bill of costs in detail;

Costs, how paid.

21. The arbitrators, or a majority of them, or the sole arbitrator, may in their discretion examine, on oath or solemn affirmation, the parties, or such witnesses as voluntarily appear before them or him, and may administer such oath or affirmation.

Arbitrators may examine on oath.

22. A majority of the arbitrators, at the first meeting after their appointment, or the sole arbitrator, shall fix a day on or before which the award shall be made; and if the same is not made on or before such day, or some other day to which the time for making it has been prolonged, either by the consent of the parties or by resolution of the arbitrators, then, the sum offered by the company, as aforesaid, shall be the compensation to be paid by them;

Time within which award may be made.

23. If the sole arbitrator or the third arbitrator appointed by the judge, or any arbitrator appointed by the parties, or the third arbitrator appointed by the two arbitrators, dies

Arbitrator dying, &c.



before the award has been made, or is disqualified, or refuses or fails to act within a reasonable time, then, in the case of the sole arbitrator, or in the case of the third arbitrator appointed by the judge, upon the application of either of the parties (previous notice of at least two clear days, having been given to the other party), the judge being satisfied by affidavit or otherwise of such death, disqualification, refusal or failure, may appoint another arbitrator in his place; and, in the case of any arbitrator appointed by the parties, the company and party respectively, may each appoint an arbitrator in the place of the arbitrator so deceased or not acting, and if the company or the party refuses or neglects to appoint such arbitrator, on application by the company or the party, as the case may be, previous notice of at least two clear days, having been given to the other party, the judge being satisfied by affidavit or otherwise of such death, disqualification, refusal or failure or of the neglect to replace such arbitrator so deceased, or not acting, shall appoint another arbitrator in his place, and in the case of a third arbitrator appointed by the two arbitrators, the provisions of the seventeenth subsection of the present section shall apply, but no recommencement or repetition of prior proceedings shall be required in any case;

Company may  
desist, paying  
costs.

24. Any such notice for land, as aforesaid, may be desisted from, and new notice given, with regard to the same or other lands, to the same or any other party, but, in any such case, the liability to the party first notified, for all damages or costs by him incurred in consequence of such first notice and withdrawal, shall subsist;

Surveyor or  
arbitrator not  
disqualified  
unless person-  
ally interested.

25. The surveyor or other person, offered or appointed as valuator or as sole arbitrator, shall not be disqualified by reason that he is professionally employed by either party, or that he has previously expressed an opinion as to the amount of compensation, or that he is related or of kin to any member of the company, provided he is not himself personally interested in the amount of the compensation; and no cause of disqualification shall be urged against any arbitrator appointed by the Judge after his appointment, but the objection must be made before the appointment, and its validity or invalidity shall be summarily determined by the judge;

When disqual-  
ification must  
be urged.

26. No cause of disqualification shall be urged against any arbitrator appointed by the company or by the opposite party after the appointment of a third arbitrator; and the validity or invalidity of any cause of disqualification urged against any such arbitrator, before the appointment of a third arbitrator, shall be summarily determined by the judge, on the application of either party, after two

No objections  
admissible  
after third ar-  
bitrator has  
been ap-  
pointed.

clear days' notice to the other, and if the cause is determined to be valid, the appointment shall be null, and the party offering the person so adjudged to be disqualified, shall be held not to have appointed an arbitrator ;

27. No award shall be invalidated from any want of form or other technical objection, if all the requirements of this act have been complied with, and if the award state clearly the sum awarded, and the lands or other property, right or thing for which such sum is to be the compensation ; nor shall it be necessary that the party or parties to whom the sum is to be paid, be named in the award ;

28. Upon payment or legal tender of the compensation or annual rent so awarded or agreed upon to the party entitled to receive the same, or upon the deposit in court of the amount of such compensation in the manner herein-after mentioned, the award or agreement shall vest in the company the power forthwith to take possession of the lands, or to exercise the right, or to do the thing for which such compensation or annual rent has been awarded or agreed upon ; and if any resistance or forcible opposition be made by any person to their so doing, the judge may, on proof to his satisfaction of such award or agreement, issue his warrant to the sheriff of the district, or to a bailiff, as he may deem most suitable, to put the company in possession, and to put down such resistance or opposition, which the sheriff or bailiff, taking with him sufficient assistance, shall accordingly do ;

29. Such warrant may also be granted by any such judge, without such award or agreement, on affidavit to his satisfaction that the immediate possession of the lands, or of the power to do the thing mentioned in the notice, is necessary to carry on some part of the railway, with which the company are ready forthwith to proceed ;

b. But no judge shall grant any warrant under this subsection, unless ten days' previous notice of the time and place, when and where application for its granting will be made to him, has been served upon the owner of the land, or the party empowered to convey the land, or interested in the land sought to be taken, or which may suffer damage, from the taking of material sought to be taken, or the exercise of the powers sought to be exercised, or the doing of the thing sought to be done, by the railway company ; nor shall any judge grant any such warrant, except upon the company giving security to his satisfaction, by depositing in an incorporated bank, to be designated by him, to the credit of the company, and of such proprietor or such person jointly, a sum larger than his estimate of the probable compensation, and not less

Awards not  
avoided for  
want of form.

Possession  
may be taken  
on payment or  
tender, &c., of  
sum awarded.

Warrant of  
possession.

When warrant  
of possession  
may issue  
before award.

On what con-  
ditions only,  
may judge  
grant such  
warrant.

Deposit of  
compensation  
required.

Petition, &c.,  
to remain of  
record in Su-  
perior Court.

than double the amount mentioned in the notice served under subsection thirteen of this section; and the costs of the application to and of any hearing before the judge, shall be borne by the railway company, unless the compensation awarded shall be less than they had declared their readiness to pay; and the petition, writ of possession, certificate of deposit above mentioned, and all other documents connected with such incidental proceedings, shall remain of record in the archives of the superior court of the district in which such proceedings were held, and a special register of such proceedings shall be kept by the prothonotary;

Deposit to be  
paid out, only  
on judge's  
order.

And no portion of such deposit or of the interest accruing thereon shall be reimbursed or paid to the company, or paid to the said owner or to the said person, without an order from the judge, who is authorized to issue such order, rendered in accordance with the arbitrators' award;

Proviso; in  
case of ab-  
sentees.

Provided always that when such owner or party is absent from the district, without having a known agent, upon whom such service can be made, or when such owner is unknown, application for a warrant may be made, at any time after the expiration of the month's notice mentioned in sub-section fourteen, without any other or further notice;

Recourse of  
unpaid pro-  
prietor.

And every proprietor, who shall not be paid in full, in capital, interest and costs, the amount to him awarded by the arbitrators, within two months after such award, may then exercise his recourse against the company to recover the property in and possession of his land, and this by ordinary civil action, in which he may demand the damages to which he may be entitled;

When the com-  
pensation is to  
stand in place  
of the land.

30. The compensation for any lands, which may be taken, without the consent of the proprietor, shall stand in the stead of such lands; and any claim to or incumbrance upon the said lands, or any portion thereof, shall, as against the company, be converted into a claim to the compensation, or to a like proportion thereof, and they shall be responsible accordingly, whenever they have paid such compensation, or any part thereof, to a party not entitled to receive the same, saving always their recourse against such party;

As to incum-  
brances, &c.,  
upon lands,  
&c., purchased  
or taken.

31. If the company has reason to fear any claims, mortgages or incumbrances, or if any party to whom the compensation or annual rent, or any part thereof is payable, refuses to execute the proper conveyance and guarantee, or if the party entitled to claim the same cannot be found, or is unknown to the company, or if, for any other reason, the company deems it advisable, the company may pay such compensation into the hands of the pro-

thonotary of the superior court for the district in which the lands are situated, with the interest thereon for six months, and may deliver to the prothonotary an authentic copy of the conveyance, or of the award, if there be no conveyance, and such award shall thereafter be deemed to be the title of the company to the land therein mentioned; and proceedings shall be taken to obtain the confirmation of the company's title, in the same manner as for other confirmations of title, except that, in addition to the usual contents of the notice, the prothonotary shall state that the company's title (that is to say; the conveyance or the award) is under this act, and shall call upon all persons entitled to the land, or representing or being the husbands of any parties interested, to file their claims to the compensation or to a part thereof, and such claims shall be received and adjudged upon by the court;

Confirmation of title.

Special notice.

32. Such judgment of confirmation shall for ever bar all claims to the land, or any part thereof (including dower not yet open) as well as any mortgage or incumbrance upon the same; and the court shall make such order for the distribution, payment or investment of the compensation and for the security of the rights of all parties interested, as to right and justice, and the provisions of this act and of the special act and law, shall appertain;

Effect of judgment of confirmation of title.

Order for distribution of compensation.

33. The costs of proceedings, or any part thereof, shall be paid by the company, or by any other party, as the court may order; and, if judgment of confirmation be obtained in less than six months from the payment of the compensation to the prothonotary, the court shall direct a proportionate part of the interest to be returned to the company, and if, from any error, fault or neglect of the company, it is not so obtained until after the six months have expired, the court shall order the company to pay the prothonotary the interest for such further period as may be right;

Costs of proceedings—By whom paid.

Proviso, as to payment of interest to or by company if judgment of confirmation obtained within six months.

34. Whenever stone, gravel, earth, sand or water is required for the construction or maintenance of any railway, or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same are situated, for the purchase thereof, cause a land surveyor duly licensed as such, to make a map and description of the property so required, and they shall serve a copy thereof, with their notice of arbitration, as in the case of expropriation for right of way; and all the provisions of this act, as to the service of the said notice of arbitration, compensation, deeds of sale, payment of money into court, the right to sell, and the right to convey, and the parties from whom lands may be taken, or who may sell, shall apply

Power to take materials, for construction of road.

to the subject-matter of this sub-section, and to the obtaining materials as aforesaid, and such proceedings may be had by the company, either for the right to the fee-simple in the land from which the said material shall be taken, or for the right to take material for any time they shall think necessary; and the notice of arbitration, in case arbitration is resorted to, shall state the interest and powers required;

Notice in case  
of arbitration.

Power to make  
sidings, con-  
duits, &c.

35. Whenever any gravel, stone, earth, sand or water is taken as aforesaid, at a distance from the line of the railway, the company may lay down the necessary sidings, water-pipes or conduits and tracks over or through any lands intervening between the railway and the lands on which such material or water is found, whatever the distance may be; and all the provisions of this act, except such as relate to the filing of plans and publication of notices, shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated; and such right of way may be acquired for a term of years or permanently, as the company may think proper; and the powers in this and the next preceding sub-section contained may, at all times, be exercised and used in all respects, after the railway is constructed, for the purpose of repairing and maintaining the railway;

May be exer-  
cised for re-  
pairing and  
maintaining  
road.

Provisions  
when the  
whole lot or  
parcel of land  
can be pur-  
chased with  
advantage.

36. Whenever for the purpose of procuring sufficient lands for stations or gravel-pits, or for constructing, maintaining and using the railway, any land may be taken under the compulsory provisions of this section, and by purchasing the whole of any lot or parcel of land over which the railway is to run, or of which any part may be taken under the said provisions, the company can obtain the same at a more reasonable price, or to greater advantage than by purchasing the roadway line only or only such part as aforesaid, the company may purchase, hold, use or enjoy the whole of such lot or parcel, and also the right of way thereto, if the same be separated from their railway, and may sell and convey the same, or any part thereof, from time to time, as they may deem expedient; but the compulsory provisions of this act shall not apply to the taking of any portion of such lot or parcel, not necessary for the purposes aforesaid;

Right of owner  
to proceed by  
way of arbi-  
tration.

37. If the company has taken possession of any land, or performs any work thereon, or has removed materials therefrom, without the amount of compensation having been agreed upon or determined by arbitration, the owner of the land or his representative may, himself, cause the valuation of the land or of the materials taken, to be made without prejudice to other legal recourse, if possession has been taken without his consent;

For such purpose he shall cause, to be served, at the office of the company or on its president, a notice stating

Notice to that effect, what to contain.

1. A description of the land or materials taken ;
2. The price asked for such land or materials ;
3. The name of a person who shall be appointed his arbitrator, if his demand is not granted ;

38. Sub-sections 15, 16, 17, 18, 20, 21, 22, 23, 24, 25, 26 and 27 of the present section shall, *mutatis mutandis*, apply to the proceedings taken by the owner in virtue of the preceding sub-section.

If the amount adjudged be not less than that demanded, the costs of arbitration shall be borne by the company; otherwise they shall be paid by the owner ;

Costs, by whom paid;

In either case the costs shall be taxed by the judge, if the parties do not agree upon the amount thereof, and this, in the manner indicated in sub-section 20 of this section.

To be taxed and how.

10. Whenever any railway company, requires, at any station or place on the line of such railway, more ample space for the convenient accommodation of the public and of the traffic on the railway than they then possess, or can take, without the consent of the proprietors thereof, the company may cause a plan to be made of the additional ground required at such station or place for the purposes aforesaid, not being in actual use for similar purposes by any other railway company, and, for the purpose of making such plan, shall have the powers granted to railway companies for making surveys by section 7 of this act, and may transmit such plan to the commissioner of agriculture and public works, with an application supported by affidavit, on behalf of the company, referring to such plan, and stating that certain ground shewn thereon is necessary for the purposes aforesaid, and that no other ground, suitable for the purpose, can be acquired at such place on reasonable terms and with less injury to private rights, and requesting the commissioner of agriculture and public works to authorize the taking thereof for such purposes, under this act—of which application ten days' notice shall be given to the owner of such property; and the correctness of the plan and the truth of the allegations in such application shall be certified by the president or one of the directors of the company, and by their engineer, and such plan and statement shall be made and transmitted to the commissioner of agriculture and public works, in duplicate.

Proceedings when more space is required for the accommodation of the traffic at any station or place.

Notice to be given.

11. The commissioner of agriculture and public works shall inquire into the correctness of the plan and the truth

Certificate of commissioner of agriculture

and public  
works.

of the allegations of the application aforesaid, and being satisfied thereof, shall grant a certificate to that effect, declaring it to be necessary, in the public interest, that the ground shewn on such plan, or any less quantity, should be acquired by the company; and such certificate shall be annexed to one of the duplicates of the said plan and statement, and the other duplicate shall remain in the office of the commissioner of agriculture and public works.

Effect of such  
certificate and  
application of  
certain provi-  
sions of this  
act to the land,  
certified as  
necessary.

**12.** Upon the granting of such certificate as aforesaid by the commissioner of agriculture and public works, and by virtue thereof, the company shall have power to take the ground shewn on the said plan as required for the purposes aforesaid, without the consent of the proprietors, and the company and all corporations or parties who could not otherwise convey the same to the company, shall have, with respect to any such ground, all the powers granted by the sections of this act, headed: "LANDS AND THEIR VALUATION," to railway companies, corporations, and parties who could not otherwise convey the same, with respect to lands, which may be taken without the consent of the proprietors thereof; and the enactments and provisions of the said sections, except such as refer to the map or plan and book of reference therein mentioned, or as limit the extent of land to be taken, shall apply and are hereby extended to the ground mentioned in the said certificate of the commissioner of agriculture and public works, and to all the proceedings connected with or consequent upon the acquiring or taking of such ground, or any part thereof, with or without the consent of the proprietor; and, if at any time thereafter, the company shall not require the whole or any portion of the land acquired under the above cited sections for railway purposes, then such land, as is not so required, shall be sold by public auction after thirty days' notice thereof in any newspaper.

Sale of land  
taken and not  
afterwards  
required.

Proof of cer-  
tificate.

**13.** Any such certificate as aforesaid, signed by the commissioner of agriculture and public works, shall be received as authentic in all courts of law or equity, without proof of such signature or other evidence, unless its authenticity be called in question.

Application of  
four preceding  
sections.

**14.** The provisions of the four next preceding sections shall apply to every railway company heretofore, or which may be hereafter, incorporated, and to any railway now built, or in course of construction or which may hereafter be built, as well as to those railways and railway companies to which this act is, by its provisions, declared to be generally applicable.

## HIGHWAYS AND BRIDGES.

15. The railway shall not be carried along an existing highway, but merely cross the same in the line of the railway, unless leave has been obtained from the proper municipal or local authority therefor; and no obstruction of such highway with the works shall be made without turning the highway, so as to leave an open and good passage for carriages, and, on completion of the works, replacing the highway, under a penalty of not less than forty dollars for any contravention; but, in either case, the rail itself, provided it does not rise above nor sink below the surface of the road more than one inch, shall not be deemed an obstruction;

Railway not to be carried along any highway without leave from municipal authorities.

Proviso.

2. No part of the railway which crosses any highway without being carried over by a bridge, or under by a tunnel, shall rise above or sink below the level of the highway more than one inch; and the railway may be carried across or above any highway, within the limits aforesaid;

Railway not to rise more than one inch above level of any highway, when crossing the same.

3. The span of the arch of any bridge erected for carrying the railway over or across any highway shall at all times be, and be continued of the open and clear breadth and space, under such arch, of not less than twenty feet, and of a height from the surface of such highway to the centre of such arch of not less than twelve feet; and the descent under any such bridge shall not exceed one foot in twenty feet;

Height and span of bridge over highways.

4. The ascent of all bridges erected to carry any highway over any railway, shall not be more than one foot in twenty feet increase over the natural ascent of the highway; and a good and sufficient fence shall be built on each side of the bridge which shall not be less than four feet above the surface of the bridge;

Ascent of bridges.

5. With respect to any overhead bridge for carrying a highway, and to any other overhead erection in existence at the time of the passing of the present act, upon any railway to which this act applies, if the lower beams or structures are not at a sufficient height above the surface of the rails to admit an open and clear headway of not less than seven feet between the top of the highest freight cars, then running on the said railway, and the said lower beams or members, they shall, within twelve months from the said date, be reconstructed under the above conditions, together with proper approaches, at the cost of the railway company, or of the municipality or other owner of the said bridge, or of the said structure, and shall, at all times thereafter, be maintained at such height. Each such railway company, before using higher freight cars than those run-

Provision with respect to erecting bridges over highways.

And as to the case when the company is



about to use  
higher freight  
cars.

ning on their railway at the time of the passing of the present act, or at the time of the reconstruction of such bridge or other structure as above mentioned, shall, after having first obtained the consent of the municipality or of the owners of such bridge or other structure, raise the same, and the approaches thereto if necessary, at the costs and charges of the said railway company, so as to admit as aforesaid, an open and clear headway of not less than seven feet between the top of the highest freight cars thereafter to be used, and the bottom of the lower beams or members of such bridge or other structure ;

Highway  
bridges, &c.,  
hereafter con-  
structed over  
railways to be  
made of a cer-  
tain height  
above the top  
of the highest  
freight cars  
and at whose  
expense.

b. And whenever an overhead bridge or any other erection or structure shall hereafter be constructed for the passage of a highway over a railway, or whenever it shall become necessary to reconstruct any highway bridge, or other erection or structure already built over a railway, or to make large repairs to the same, the lower beams or members of the superstructure of any such bridge, or of any other structure and the approaches thereto, shall be constructed, or reconstructed at the cost of the railway company or of the municipality or other owner of the bridge, erection or structure, as the case may be, and shall at all times be maintained, at a sufficient height from the surface of the rails of the railway, to admit of an open and clear headway of not less than seven feet between the top of the highest freight cars, then running on the railway, and the lower beams or members of such bridge or other erection ; and thereafter, any railway company, before using higher freight cars than those running on their railway at the time of the construction or reconstruction of, or large repair to, such bridge or other erection or structure, shall, after having first obtained the consent of the municipality, or of the owners of such highway, bridge, or other erection or structure, raise the said bridge, or other erection or structure, and the approaches thereto, if necessary, at the cost and charges of the railway company, so as to admit, as aforesaid, an open and clear headway of not less than seven feet over the top of the highest freight cars thereafter to be used on the railway ;

Provisions in  
case of higher  
cars being  
used there-  
after.

Precaution  
when railway  
crosses a  
highway.

6. Signboards, stretching across or projecting over the highway crossed at a level by any railway, shall be erected and kept up at each crossing at such height as to leave sixteen feet from the highway to the lower edge of the signboard, and having the words : " railway crossing " painted on each side of the signboard, in letters not less than six inches in length ; and for any neglect to comply with the requirements of this sub-section, a penalty not exceeding forty dollars shall be incurred.

## FENCES.

16. Within six months after any lands have been taken for the use of the railway, the company shall, if thereunto required by the proprietors of the adjoining lands, at its own costs and charges, erect and maintain on each side of the railway, fences of the height and strength of an ordinary division fence, with sliding gates, commonly called hurdle gates, with proper fastenings, and farm crossings on the road, for the use of the proprietors of the lands adjoining the railway; and also cattle-guards, at all road crossings, suitable and sufficient to prevent cattle and other animals from getting on the railway;

Fences to be erected on each side of railway, with gates and crossings.

2. Farm crossings shall be made and maintained by the company, upon the application of any owner of land, present or future, on each such land;

Farm crossings.

3. Until such fences and cattle-guards are duly made, the company shall be liable for all damages, which may be done by their trains or engines to cattle, horses or other animals on the railway;

Liability of company until cattle-guards are erected.

4. After the fences or guards have been duly made, and while they are duly maintained, no such liability shall accrue for any such damages, unless negligently or wilfully done;

When to be exempted.

5. If any person rides, leads or drives any horse or other animal, or suffers any such horse or other animal to enter upon such railway, and within the fences and guards, other than the farm crossings, without the consent of the company, he shall, for every such offence, forfeit a sum not exceeding forty dollars, and shall also pay to the party aggrieved all damages sustained thereby;

Persons prohibited from going on the track, &c., with cattle, &c.;

6. No person, other than those connected with, or employed by the railway, shall walk along the track thereof, except where the same is laid across or along a highway;

Not to walk on the track.

7. Each and every railway company, heretofore incorporated, or which may hereafter be incorporated, as well as the government of this province, with respect to all railways constructed by or being the property or under the control of the province, shall have the right, on and after the first day of November, in each year, to enter into and upon any lands of Her Majesty, or into and upon the lands of any corporation or person whatsoever, lying along the route or line of any railway, and to erect and maintain snow fences thereon, subject to the payment of such land damages (if any) as may be thereafter established, in the manner provided by law with respect to such railway, to have been actually suffered; provided always, that any snow fences so erected shall be removed on or before the first day of April then next following.

Power to erect snow fences on adjoining lands.

Proviso.

## TOLLS.

Tolls to be fixed by by-laws or otherwise.

How payment of tolls may be enforced.

When, if tolls are not paid, goods detained may be sold.

When goods may be sold.

Proceeds how dealt with.

How balance to be disposed of.

Tolls how raised and reduced.

**17.** Tolls shall be, from time to time, fixed and regulated by the by-laws of the company, or by the directors, if thereunto authorized by the by-laws, or by the shareholders at any general meeting, and may be demanded and received for all passengers and goods transported upon the railway, or in the steam vessels to the undertaking belonging, and shall be paid to such persons and at such places near to the railway, in such manner and under such regulations as the by-laws direct ;

2. In case of denial or neglect of payment on demand of any such tolls, or any part thereof, to such persons, the same may be sued for and recovered in any competent court, or the agents or servants of the company may 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 owners thereof ;

3. If the tolls are not paid within six weeks, the company may sell the whole or any part of such goods, and, out of the money arising from such sale, retain the tolls payable and all charges and expenses of such detention and sale, rendering the surplus, if any there be, of the money realized at such sale, or such of the goods as remain unsold, to the person entitled thereto ;

4. If any goods remain in the possession of the company, unclaimed for the space of twelve months, the company may thereafter, and on giving public notice thereof by advertisement for six weeks in one or more newspapers of the locality in which such goods are, sell such goods by public auction, at the time and place to be mentioned in such advertisement, and out of the proceeds thereof, pay such tolls and all reasonable charges for storing, advertising and selling such goods ; and the balance of the proceeds, if any, shall be kept by the company for a further period of three months, to be paid over to any party entitled thereto ;

5. In default of such balance being claimed before the expiration of the period last aforesaid, the same shall be paid over to the treasurer of the province, to be applied to the general purposes of the province, until claimed by the party entitled thereto ;

6. All or any of the tolls may, by any by-law, be reduced and again raised, in whole or in part, by the by-laws as often as deemed necessary for the interests of the undertaking ; but the same tolls shall be payable at the same time and under the same circumstances upon all goods and by all persons, so that no undue advantage, privilege

or monopoly may be afforded to any person or class of persons by any by-laws relating to the tolls ;

7. In all cases, a fraction in the distance over which goods or passengers are transported on the railway shall be considered as a whole mile ; and for a fraction of a ton in the weight of any goods, a proportion of the tolls shall be demanded and taken, according to the number of quarters of a ton contained therein, and a fraction of a quarter of a ton shall be deemed and considered as a whole quarter of a ton.

A fraction of a mile or a ton how estimated.

8. 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, in some conspicuous place there, a printed board or paper exhibiting all the tolls payable, and particularizing the price or sum of money to be charged or taken for carriage of any matter or thing ;

Table of tolls to be stuck up in offices and cars.

9. No tolls shall be levied or taken until approved of by the Lieutenant Governor in council, nor until after two consecutive weekly publications in the Quebec Official Gazette of the by-law establishing such tolls, and of the order in council approving thereof ;

Tolls to be approved by Lieut. Gov. and published in Que. Off. Gazette.

10. Every by-law fixing and regulating tolls shall be subject to revision by the Lieutenant Governor in council, from time to time, after approval thereof ; and after an order in council, reducing the tolls fixed and regulated by any by law, has been twice published in the Quebec Official Gazette, the tolls mentioned in such order in council shall be substituted for those mentioned in the by-law, so long as the order in council remains unrevoked ;

Lieut.-Gov. may revise by laws fixing tolls.

11. The Legislature may, from time to time, reduce the tolls upon the railway, but not without consent of the company, or so as to reduce to less than fifteen per cent. per annum the profits on the capital actually expended in its construction ; nor unless, on an examination made by the commissioner of agriculture and public works of the amount received and expended by the company, the net income from all sources, for the year then last past, is found to have exceeded fifteen per cent. upon the capital so actually expended ;

When the Legislature may reduce tolls on railways.

12. No by-law of any railway company, by which any tolls are to be imposed or altered, or by which any party other than the members, officers and servants of the company are intended to be bound, shall have any force or effect until the same has been approved and sanctioned by the Lieutenant Governor in council.

By-laws imposing tolls to be approved by Lieutenant Governor in council.

#### GENERAL MEETINGS OF SHAREHOLDERS.

18. The shareholders may assemble together at general meetings for purposes connected with or belonging to the

Shareholders may hold general meetings

May be called upon requisition of certain proportion of shareholders.

undertaking, and at any annual general meeting, may elect directors in the manner provided by the next succeeding section. And after thirty days following the general annual meeting of the shareholders for the election of directors of the different companies, which will occur after the coming into force of this act and on the day fixed by the charter of each company, it shall be the duty of the board of directors and of the secretary to call a general meeting of the shareholders whenever required so to do by a requisition in writing signed by one or more shareholders, holding at least one-half of the subscribed capital stock of the company, for the transaction of such business as may be set forth in the said requisition, which business shall be mentioned in the notice calling the meeting.

#### PRESIDENT AND DIRECTORS—THEIR ELECTION AND DUTIES.

Board of directors to be elected.

**19.** A board of directors of the undertaking to manage its affairs, the number whereof shall be stated in the special act, shall be chosen annually by a majority of the shareholders voting at such election at a general meeting, the time and place for which shall be appointed by the special act, and, if such election is not held on the day appointed, the directors shall cause such election to be held within as short a delay as possible after the day appointed ;

Who are entitled to vote.

2. No person shall be admitted to vote at such subsequent meeting except those who would have been entitled to vote had the election been held on the day when it ought to have been held ;

Vacancies how to be filled up.

3. Vacancies in the board of directors shall be filled in the manner prescribed by the by-laws.

Who qualified to be a director.

4. No person shall be a director unless he is a stockholder, owning stock absolutely in his own right, and qualified to vote for directors at the election at which he is chosen ;

Calling of special meetings, &c.

5. The method of calling general meetings, and the time and place of the first meeting of stockholders, for the appointment of directors, shall be determined and settled in the special act ; nevertheless, if the number of shareholders does not exceed fifty, and if they all reside in the Dominion, such meetings, besides the manner prescribed by the special act may be convened by a registered letter, postage paid, and deposited in the post-office at least fifteen days before that of the meeting.

Proviso in certain cases.

Votes to be in proportion to shares.

6. The number of votes to which each shareholder shall be entitled on every occasion when the votes of the members are to be given, shall be in the proportion of the number of shares held by him, unless otherwise provided by the special act ;

7. All shareholders, whether resident in the province or elsewhere, may vote by proxy, if they see fit ; provided that such proxy produce, from his constituent an appointment in writing, in the words or to the effect following, that is to say :

I, \_\_\_\_\_, of \_\_\_\_\_, one of the shareholders of the \_\_\_\_\_ railway company, do hereby appoint \_\_\_\_\_, of \_\_\_\_\_, to be my proxy, and in my absence to vote or give my assent to any business, matter or thing relating to the said undertaking, that may be mentioned or proposed at any meeting of the shareholders of the said company, or any of them, in such manner as he, the said \_\_\_\_\_, thinks proper. In witness whereof, I have hereunto set my hand and seal, the day of \_\_\_\_\_, in the year \_\_\_\_\_ ;

8. The votes by proxy shall be as valid as if the principals had voted in person ; and every matter or thing, proposed or considered in any public meeting of the shareholders, shall be determined by the majority of votes and proxies then present and given, and all decisions and acts of any such majority shall bind the company, and be deemed the decisions and acts of the company ;

9. The directors appointed at the last election, or those appointed in their stead, in case of vacancy, shall remain in office until the next ensuing election of directors ;

10. In case of the death, absence or resignation of any of the directors, others may be appointed in their stead by the other directors ; but if such appointment be not made, such death, absence or resignation shall not invalidate the acts of the remaining directors ;

11. The directors shall, at their first or at some other meeting after the election, elect one of their number to be the president of the company, who shall always, when present, be the chairman of and preside at all meetings of the directors, and shall hold his office until he ceases to be a director, or until another president has been elected in his stead ; and they may, in like manner, elect a vice-president, who shall act as chairman in the absence of the president ;

12. The directors at any meeting at which not less than a quorum, to be settled by the special act, are present, shall be competent to use and exercise all and any of the powers vested in them ;

13. The act of a majority of a quorum of the directors present at any meeting regularly held, shall be deemed the act of the directors ;

14. No director shall have more than one vote at any meeting, except the chairman, who shall, in case of a division of equal numbers, have the casting vote ;

Directors to be subject to shareholders and by-laws.

15. The directors shall be subject to the examination and control of the shareholders at their annual meetings, and be subject to all by-laws of the company, and to the orders and directions, from time to time, made at the annual or special meetings, such orders and directions not being contrary to any express directions or provisions of this act or the special act;

Officers of company can not be directors or contractors.

16. No person holding any office, place or employment in or being concerned or interested in any contracts under or with the company, shall be capable of being chosen a director, or of holding the office of director, nor shall any person, being a director of the company, enter into, or be, directly or indirectly, for his own use and benefit, interested in any contract with the company, not relating to the purchase of land necessary for the railway, or be or become a partner of any contractor with the company;

By-laws for management of stock.

17. The directors shall make by-laws for the management and disposition of the stock, property, business and affairs of the company, not inconsistent with the law, and for the appointment of all officers, servants and artificers, and prescribing their respective duties;

May appoint officers.

18. The directors shall, from time to time, appoint such officers as they deem requisite, and shall take sufficient security, by one or more penal bonds, or by the guarantee of the Canada Guarantee Company, or of any society incorporated for like purposes, as they may deem expedient or otherwise, from the manager and officers for the time being, for the safe keeping and accounting for by them respectively of the moneys raised by virtue of this act and the special act, and for the faithful execution of their offices, as the directors think proper;

Vice-president to act in the absence of the president.

19. In case of the absence or illness of the president, the vice-president shall have all the rights and powers of the president, and may sign all notes, bills, debentures and other instruments, and perform all acts, which by the regulations and by-laws of the company, or by the acts incorporating the company, are required to be signed, performed and done by the president;

Absence of the president may be entered in the minutes and certified, &c.

20. The directors may, at any meeting, require the secretary to enter such absence or illness among the proceedings of such meeting, and a certificate thereof, signed by the secretary, shall be delivered to any person or persons requiring the same, on payment to the treasurer of one dollar, and such certificate shall be taken and considered as *prima facie* evidence of such absence or illness, at and during the period in the said certificate mentioned, in all proceedings in courts of justice or otherwise;

Directors to cause annual

21. The directors shall cause to be kept, and annually on the thirty-first day of December to be made up and

balanced, a true, exact and particular account of the moneys collected and received by the company or by the directors or managers thereof, or otherwise, for the use of the company, and of the charges and expenses attending the erecting, making, supporting, maintaining and carrying on of the undertaking, and of all other receipts and expenditures of the company or the directors;

22. Whenever, by the terms of any special act incorporating any wooden or iron railway company, it is required that a certain proportion of the stock of such company shall have been subscribed, before the calling of a meeting of shareholders for the purpose of electing directors, it shall be sufficient that such proportion of stock shall have been subscribed before such election takes place, even though it was not subscribed when such meeting was called, and every election already had under any such special act shall be valid, provided that before it took place, such proportion of stock had been subscribed;

23. No mayor, warden or other chief officer, or other person or persons representing any municipality, or corporation of any town, having or taking stock in any railway company shall, directly or indirectly, vote on the election or appointment of the directors of any railway incorporated previous to the passing of this act, or which may hereafter become incorporated;

24. There shall be paid, on every share hereafter subscribed in any iron or wooden railway company, incorporated by act of the legislature of this province, an amount of at least ten per cent, and that within six months after the subscription for each such share;

25. Within six months after the coming into force of this act, an amount of at least ten per cent shall be paid up, on every share already subscribed since the first of July, one thousand eight hundred and sixty-seven, in any iron or wooden railway company, incorporated by act of the legislature of this province, upon which, at the time of the coming into force of this act, a like amount of ten per cent shall not have been yet paid up;

26. No owner or holder of shares in any iron or wooden railway company, already incorporated since the first of July, one thousand eight hundred and sixty-seven, or which shall hereafter be incorporated by act of the legislature of this province, shall, in any case, vote, by reason of any of his shares, unless he has paid upon such share, an amount of at least ten per cent;

27. These provisions shall not apply to subscriptions of stock in railway companies, by municipalities.

accounts to be rendered.

Proviso; if by charter of any railway certain proportion of stock to be paid before calling meeting.

No mayor, &c., of municipality holding stock to vote at elections of directors.

Ten per cent must be paid within six months after subscription.

Ten per cent on shares subscribed must be paid within 6 months after the coming into force of this act.

Ten per cent must be paid before voting.

Exception.



## CALLS.

Calls how made and after what notice.

**20.** The directors may, from time to time, make such calls of money upon the respective shareholders, in respect of the amount of capital respectively subscribed or owing by them, as they deem necessary, and thirty days' notice at the least shall be given of each call; and no call shall exceed the prescribed amount determined in the special act, or be made at a less interval than two months from the previous call, nor shall a greater amount be called in, in any one year, than the amount prescribed in the special act;

Notices of meetings how published.

2. All notices of meetings or of calls upon the shareholders of the company shall be published weekly in the Quebec Official Gazette, which shall be conclusive evidence of the sufficiency of such notice;

Payment of calls, how to be made.

3. Every shareholder shall be liable to pay the amount of the call so made in respect of the shares held by him to the persons, and at the times and places, from time to time, appointed by the company or the directors;

Interest to be chargeable on overdue calls.

4. If, before or on the day appointed for payment, any shareholder does not pay the amount of the call, he shall be liable to pay interest for the same, from the day appointed for the payment thereof to the time of the actual payment;

Amount of call may be recovered by suit.

5. If, at the time appointed for the payment of any call, any shareholder fails to pay the amount of the call, he may be sued for the same in any court of competent jurisdiction, and the same may be recovered with lawful interest from the day on which the call became payable;

What allegations and formalities necessary in actions for calls.

6. In any action or suit to recover any money due upon any call, it shall not be necessary to set forth the special matter, but it shall be sufficient to declare that the defendant is the holder of one share or more, stating the number of shares, and is indebted in the sum of money to which the calls in arrear amount, in respect of one call or more upon one share or more, stating the number and amount of each of such calls, whereby an action hath accrued to the company by virtue of the special act;

Certificate of proprietorship *prima facie* evidence.

7. The certificate of proprietorship of any share shall be admitted in all courts, as *prima facie* evidence of the title of any shareholder, his executors, administrators, successors or assigns, to the share therein specified;

Proviso.

8. But the want of such certificate shall not prevent the holder of any share from disposing thereof;

Penalty for refusal to pay calls.

9. Any person neglecting or refusing to pay a rateable share of the calls, as aforesaid, for the space of two months after the time appointed for the payment thereof, shall forfeit his shares in the undertaking, and all the profit and

benefit thereof, which forfeiture shall go to the company for the benefit thereof ;

10. No advantage shall be taken of the forfeiture, unless the same is declared to be forfeited at a general meeting of the company, assembled at any time after such forfeiture has been incurred ;

When only forfeiture of shares to be taken advantage of.

11. Every such forfeiture shall be an indemnification to and for every shareholder so forfeiting, against all actions, suits or prosecutions whatever, commenced or prosecuted for any breach of contract or other agreement between such shareholder and the other shareholders, with regard to carrying on the undertaking ;

Effect of forfeiture as to liabilities.

12. The directors may sell, either by public auction or private sale, and in such manner and on such terms as to them may seem meet, any shares so declared to be forfeited, and also any share remaining unsubscribed for in the capital stock of the company, or pledge such forfeited or unsubscribed shares for the payment of loans or advances made or to be made thereon, or of any sums of money borrowed or advanced by or to the company ;

Directors may sell forfeited shares.

13. A certificate of the treasurer of the company that the forfeiture of the shares was declared, shall be sufficient evidence of the fact, and of their purchase by the purchaser ; and such certificate, with the receipt of the treasurer for the price of such shares, shall constitute a good title to the shares, and the certificate shall be, by the said treasurer, enregistered in the name and with the place of abode and occupation of the purchaser, and shall be entered in the books required to be kept by the by-laws of the company ; and such purchaser shall thereupon be deemed the holder of such shares, and shall not be bound to see to the application of the purchase-money, nor shall his title to such shares be affected by any irregularity in the proceedings in reference to such sale, and any shareholder may purchase any shares so sold ;

Certificate of treasurer to be evidence of forfeiture, and of title of purchaser.

14. Shareholders, willing to advance the amount of their shares, or any part of the money due upon their respective shares, beyond the sums actually called for, may pay the same, and upon the principal moneys so paid in advance, or so much thereof as, from time to time, exceeds the amount of the calls then made upon the shares in respect to which such advance is made, the company may pay such interest at the legal rate of interest for the time being, as the shareholders paying such sum in advance and the company agree upon ; but such interest shall not be paid out of the capital subscribed.

Interest to shareholders paying in advance.

#### DIVIDENDS.

21. At the general meetings of the shareholders of the undertaking, from time to time holden, a dividend shall be

Declaration of dividend ;

made out of the clear profits of the undertaking, unless such meetings declare otherwise :

At so much  
per share.

2. Such dividend shall be at and after the rate of so much per share upon the several shares held by the shareholders in the stock of the company, as such meeting may think fit to appoint or determine ;

Dividends not  
to impair the  
capital.

3. No dividend shall be made whereby the capital of the company is in any degree reduced or impaired, or be paid out of such capital, nor shall any dividend be paid in respect of any share, after a day appointed for payment of any call for money, in respect thereof, until such call has been paid ;

Directors may  
pay interest on  
sums called  
up.

4. The Directors may, in their discretion, until the railroad is completed and opened to the public, pay interest at any rate not exceeding the legal rate per annum, on all sums called up in respect of the shares, from the respective days on which the same have been paid, such interest to accrue and be paid at such times and places as the Directors appoint for that purpose ;

No interest on  
shares in  
arrear.

5. No interest shall accrue to the proprietors of any share upon which any call is in arrear in respect of such shares or upon any other share held by the same shareholder, while such call remains unpaid.

#### SHARES AND THEIR TRANSFER.

Shareholders  
may dispose  
of shares.

**22.** Shares in the undertaking may, by the parties, be sold and disposed of by instrument in writing, to be made in duplicate, one part of which shall be delivered to the directors, to be filed and kept for the use of the company, and an entry thereof shall be made in a book to be kept for that purpose ; and no interest on the shares transferred shall be paid by the purchaser until such duplicate is so delivered, filed and entered :

Form of sales.

2. Sales shall be in the form following, varying the names and descriptions of the contracting parties, as the case may require :

I, A. B., in consideration of the sum of \_\_\_\_\_, paid to me by C. D., hereby do sell and transfer to him \_\_\_\_\_ share (or shares) of the stock of the \_\_\_\_\_, to hold to him, the said C.D., his heirs, executors, administrators and 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 rules, orders and conditions. Witness our hands this \_\_\_\_\_ day of \_\_\_\_\_ in the year 18 \_\_\_\_\_ ;

3. The stock of the company shall be deemed personal estate; but no shares shall be transferable until all previous calls thereon have been fully paid in, or the said shares have been declared forfeited for the non-payment of calls thereon, and no transfer of less than a whole share shall be valid;

Stock to be personal estate—No transfer until calls paid, or of part of a share.

4. If any share in the company be transmitted by the death, bankruptcy or last will, donation or testament, or by the intestacy of any shareholder, or by any lawful means other than the transfer hereinbefore mentioned, the party to whom such share is transmitted shall deposit, in the office of the company, a statement in writing, signed by him, declaring the manner of such transmission, together with a duly certified copy or probate of such will, donation or testament, or sufficient extracts therefrom, and such other documents or proof as may be necessary; and without such proof the party shall not be entitled to receive any share of the profits of the company, nor vote in respect of any such share as the holder thereof;

Transmission of shares, other than by transfer, provided for.

5. The company shall not be bound to see to the execution of any trust, whether express, implied or constructive, to which any of the shares may be subject, and the receipt of the party in whose name any share stands in the books of the company, or if it stand in the name of more parties than one, the receipt of one of the parties named in the register of shareholders shall be a sufficient discharge to the company for any dividend or other sum of money payable in respect of the share, notwithstanding any trust to which the share may then be subject, and whether or not the company have had notice of trusts, and the company shall not be bound to see to the application of the money paid upon such receipts;

Company, not bound to see to execution of trusts.

6. The funds of the company shall not be employed in the purchase of any stock in their own or in any other company.

Company, not to take stock.

#### SHAREHOLDERS.

23. Each shareholder shall be individually liable to the creditors of the company, to an amount equal to the amount unpaid on the stock held by him, for the debts and liabilities thereof, and until the whole amount of his stock has been paid up; but shall not be liable to an action therefor, before an execution against the company has been returned unsatisfied, in whole or in part;

Shareholders individual liability—to what extent.

2. Municipal corporations, being duly empowered so to do by the laws of the province, and subject to the limitations and restrictions by such laws prescribed, may subscribe for any number of shares in the capital stock of the

When and how municipal corporations may take stock.

company; and the mayor, warden or other head of any such corporation holding stock to the amount of twenty thousand dollars or upwards, shall be *ex officio* one of the directors of the company, in addition to the number of directors authorized by the special act ;

Proviso as to appointment of director by parish and village corporations who have taken stock.

But when in a parish comprising a parish municipality and a village municipality, the council of both municipalities shall have agreed as to the subscription of shares to a railway company, which entitles to a representation on the board of direction of such company, the mayor of each such two municipalities shall alternately be a director *ex officio*, in such company, each for one year, commencing and changing on the first of January of each year, and to be commenced by the mayor of the parish municipality ; provided that the amount of stock or shares thus owned by each of the two municipalities, be at least ten thousand dollars ;

Power of such director.

3. Any such director shall have the same rights as directors of the municipalities which have subscribed to twenty thousand dollars of shares ;

Account of names, &c., of shareholders, to be kept.

4. A true and perfect account of the names and places of abode of the several shareholders shall be prepared and entered in a book to be kept for that purpose.

#### BY-LAWS, NOTICES, &C.

By-laws, to be put into writing and signed by chairman.

**24.** 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 are adopted, and shall be kept in the office of the company ; and a printed copy of so much of them, as relates to or affects any party, other than the members or servants of the company, shall be affixed openly in every place where tolls are to be gathered, and a printed copy of so much of them, as relates to the safety and liability of passengers, shall be openly affixed in each passenger car, and in like manner, so often as any change or alteration is made to the same ; and any copy of the same, or of any of them, certified as correct by the president or secretary, shall be evidence thereof in any court ;

By-laws, to be submitted to Lieutenant Governor.

2. All such by-laws, rules and orders shall be submitted, from time to time, to the Lieutenant Governor for approval ;

Copies of minutes to be *prima facie* evidence.

3. Copies of the minutes of proceedings and resolutions of the shareholders of the company, at any general or special meeting, and of the minutes of proceedings and resolutions of the directors, at their meetings, 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 evidence of such proceedings and resolutions in any court ;

4. All notices given by the secretary of the company, by order of the directors, shall be deemed notices by the directors and company. Notices by secretary, valid.

#### WORKING OF THE RAILWAY.

25. Every servant of the undertaking, employed in a passenger train or at a station for passengers, shall wear upon his hat or cap a badge, which shall indicate his office, and he shall not, without such badge, be entitled to demand or receive from any passenger any fare or ticket, or to exercise any of the powers of his office, or to interfere in any manner, with any passenger, or his baggage or property ; Servants to wear badges

2. The trains shall be started and run at regular hours, to be fixed by public notice, and shall furnish sufficient accommodation for the transportation of all such passengers and goods as are, within a reasonable time, previous thereto, offered for transportation, at the place of starting, and at the junctions of other railways, and at usual stopping-places, established for receiving and discharging way-passengers and goods from the trains ; and in every train containing more than one second-class car for the transportation of passengers, there shall be one second-class car, in which smoking shall be prohibited, and when a train contains only one second-class car for the transportation of passengers, a part of such car shall be divided off, in which smoking shall be prohibited ; Trains, to start at regular hours.

3. Such passengers and goods shall be taken, transported and discharged at, from and to such places, on the due payment of the toll, freight or fare legally authorized therefor ; Smoking cars.

4. The party aggrieved by any neglect or refusal in the premises, shall have an action therefor against the company ; from which action the company shall not be relieved by any notice, condition or declaration, if the damage arises from any negligence or omission of the company or of its servants ; Carriage on payment of fare or freight.

5. Checks shall be affixed by an agent or servant to every parcel of baggage having a handle, loop or fixture of any kind thereupon, and a duplicate of such check shall be given to the passenger delivering the same ; Company, liable for neglect or refusal.

6. If such check be refused on demand, the company shall pay to such passenger the sum of eight dollars, to be recovered in a civil action ; and further, no fare or toll shall be collected or received from such passenger, and, if he has paid his fare, the same shall be refunded by the conductor in charge of the train ; Checks, to be fixed on parcels.

Passenger to  
be witness on  
his own behalf.

7. Any passenger producing such check may himself be a witness, in any suit brought by him against the company, to prove the contents and value of his baggage not delivered to him ;

Baggage cars,  
not to be in  
rear of passen-  
ger cars.

8. The baggage, freight, merchandise or lumber cars, shall not be placed in rear of the passenger cars.

Locomotives, to  
have bells and  
whistles ;

9. Every locomotive engine shall be furnished with a bell of at least thirty pounds weight, and with a steam whistle ;

To be rung or  
sounded at  
every crossing.

10. The bell shall be rung, or the whistle sounded at the distance of at least eighty rods from every place where the railway crosses any highway, and be kept ringing or be sounded at short intervals, until the engine has crossed such highway, under a penalty of eight dollars for every neglect thereof, to be paid by the company, who shall also be liable for all damages sustained by any person by reason of such neglect, and one half of such penalty and damages shall be chargeable to and collected by the company from the engineer having charge of such engine and neglecting to sound the whistle or ring the bell as afore-said ;

Penalty upon  
driver or con-  
ductor, being  
intoxicated.

11. Any person, in charge of a locomotive engine or acting as the conductor of a car or train of cars, who is intoxicated on the railway, shall be liable to a fine of not less than twenty-five nor more than one hundred dollars ;

Passenger re-  
fusing to pay  
fare, may be  
put out.

12. Any passenger refusing to pay his fare, may, by the conductor of the train and the servants of the company, be put out of the train, with his baggage, at any usual stopping place, the conductor first completely stopping the train, and using no unnecessary force ;

Passenger, if  
injured when  
on platform of  
cars, &c., to  
have no claim.

13. Any person injured while on the platform of a car or on any baggage, wood or freight car, in violation of the printed regulations, posted up at the time in a conspicuous place inside of the passenger cars then in the train, shall have no claim for the injury, provided room inside of such passenger cars, sufficient for the proper accommodation of the passengers, was furnished at the time ;

As to goods of  
dangerous  
nature.

14. No passenger shall be entitled to carry, or require the company to carry upon their railway, *aqua-fortis*, oil of vitriol, gunpowder, nitro-glycerine, or any other goods which, in the judgment of the officers of the company, may be of a dangerous nature ; and if any person sends by the said railway any such goods, without, at the time of so sending the said goods, distinctly marking their nature on the outside of the package containing the same, and otherwise giving notice in writing to the book-keeper or other servant of the company with whom the same are left, he shall forfeit to the company the sum of five hundred dollars for every such offence ;

15. The company may refuse to take any package or parcel, which they suspect to contain goods of a dangerous nature, or may require the same to be opened to ascertain the fact. Dangerous goods may be refused.

The company shall not be permitted to carry any such merchandise of a dangerous nature otherwise than in cars specially set apart for the same and upon both sides of each of such cars the words: "*Dangerous explosives*," shall be painted in large letters. And for each time that the company shall fail to comply with the present provision it shall incur a penalty of five hundred dollars in favor of whomsoever may sue for the recovery thereof. In what manner such goods must be carried.

#### TRAINS OVERDUE.

26. It shall be the duty of every railway company, upon whose road there is a telegraph line in operation, to have a blackboard put upon the outside of a station-house, over the platform of the station, in some conspicuous place at each station of such company at which there is a telegraph office; and when any passenger train is overdue for half an hour at any such station, according to the time table of such company, it shall be the duty of the station master or person in charge at such station to write or cause to be written with white chalk on such blackboard, a notice in English and French, stating to the best of his knowledge and belief the time, when such overdue train may be expected to reach such station; and if when that time has come, the train has not reached the station, it shall be the duty of the station master or person in charge of the station to write or cause to be written on the blackboard in like manner a fresh notice, stating to the best of his knowledge and belief the time, when such overdue train may then be expected to reach such station. And every such railway company, station master or person in charge at any such station, shall be liable to a penalty not exceeding five dollars for any wilful neglect, omission or refusal to obey the provisions aforesaid; and any proceeding for the recovery of any such penalty may be brought before any two Justices of the Peace, or before the Circuit Court of the district or county in which such station is situate. Duty of station agent, &c., when a train is overdue. Notice to be posted up, and what to show. Penalty for contravention. Suits for penalty how brought.

The penalty recoverable under the provisions of this section shall belong to the person suing therefor; and every proceeding brought by virtue of this section shall be commenced within one month following the commission of the offence and not after; but nothing in this section shall prejudice the right of any person to the recovery of damages from any such railway company, by reason Application of penalty and limitations of action. Proviso.



This section to be posted up at stations.

of detention of trains as aforesaid ; and every such railway company is hereby required to have a printed copy of this section posted up in a conspicuous place at each of its stations at which there is a telegraph office.

#### ACTIONS FOR INDEMNITY ; AND FINES AND PENALTIES AND THEIR PROSECUTION.

Limitations for actions for damages.

**27.** All suits for indemnity for any damage or injury sustained by reason of the railway, shall be instituted within twelve months next after the time of such supposed damage sustained, and not afterwards ; and the defendants may plead the general issue, and give this act and the special 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 the authority of this act or the special act :

Fines how recovered.

2. All fines or forfeitures imposed by Part First of this act, or the special act, or by any by-law, except those for the levying and recovering of which special provision is herein made, shall be recovered, in a summary manner, before any one or more Justice or Justices of the Peace for the district, county or place where the act occurred ;

How applicable.

3. All the fines, forfeitures and penalties recovered under the next preceding paragraph, the application whereof is not hereinbefore particularly directed, shall be paid into the hands of the treasurer of the company, to be applied to the use thereof ;

Penalty for contravention of this act.

4. Any contravention of this act or of the special act by the company, although considered to be a misdemeanor, and punishable accordingly, shall not exempt the company, if they be the offending party, from the forfeiture by this act and the special act, of the privileges conferred on them by the said acts, if by the provisions thereof or by law, the same be forfeited by such contravention.

#### GENERAL PROVISIONS.

Telegraph lines.

**28.** Railway companies shall have the right to establish telegraphic lines along the whole extent of the railway, at such places along the line and with offices at such places as shall be determined upon by the directors, and such telegraphs may be used by the public generally, in conformity with the rules and regulations that the company may adopt.

Tenders, to be advertised for, as to works not of immediate necessity.

2. No contracts for works of construction or maintenance of the railways, except works of ordinary repair, or of immediate necessity, shall be entered into, until after tenders for such works respectively have been invited by public

notice therefor, given for at least four weeks in some newspaper published in the place nearest to that at which the work is required to be done, but the company shall not be compelled to accept any such tender;

3. If the construction of the railway be not commenced, and ten per cent. on the amount of the capital be not expended thereon, within three years after the passing of the special act, or if the railway is not finished and put in operation within ten years from the passing of such special act, the corporate existence and powers of the company shall cease;

4. After the opening of the railway or any part thereof to the public, and within the first fifteen days after the opening of each session of the legislature of this province, an account shall be annually submitted to the three branches thereof, containing a detailed and particular account, attested upon oath of the president, or in his absence, of the vice-president, of the moneys received and expended by the company, and a classified statement of the passengers and goods transported by them, with an attested copy of the last annual statement;

5. No further provisions, which the legislature may hereafter make with regard to the form or details of such account, or the mode of attesting or rendering the same, shall be deemed an infringement of the privileges hereby granted to the company;

6. The legislature may, at any time, annul or dissolve any corporation formed under this act; but such dissolution shall not take away or impair any remedy given against any such corporation, its shareholders, officers or servants, for any liability which had been previously incurred;

7. Nothing herein contained shall affect in any manner the rights of Her Majesty, or of any person, or of any body politic or corporate, such only except as are herein mentioned.

#### RAILWAY STATISTICS.

29. In this and the five next following sections, the term "company," means a company incorporated either before or after the passing of this act, for the purpose of constructing, maintaining or working a railway in this province, and includes any individual or individuals not incorporated, who are owners or lessees of a railway in the said province or parties to an agreement for working a railway in the same;

The term "person," includes a body corporate.

30. Every company shall annually prepare returns of their capital in accordance with the form contained in

Period for  
subscription  
of capital and  
completion  
of railway.

Account, to be  
submitted to  
the legis-  
lature.

Form of de-  
tails of ac-  
count may be  
varied by the  
legislature.

The legisla-  
ture may dis-  
solve any cor-  
poration  
formed under  
this act.

Saving of Her  
Majesty's  
rights.

Word "com-  
pany," what to  
mean.

"Person."

Companies, to  
furnish yearly  
returns to

government,  
and in what  
form and with  
what details.

the first appendix to this act, and a copy of such returns, signed by the president or other head officer of the company resident in the province, and by the officer of the company responsible for the correctness of such return, or any part thereof, shall be forwarded by the company to the commissioner of agriculture and public works, not later than three months after the end of the calendar year ; together with a copy of the then last annual return of the traffic and working expenditure, which every such company is required to keep, in accordance with the provisions of their respective acts of incorporation, to be verified in manner and form aforesaid, and furnished in such form as the commissioner of agriculture and public works shall approve of or prescribe. Any company which fails to forward the said returns in accordance with the provisions of this section, shall be liable to a penalty not exceeding ten dollars for every day during which such default continues.

Penalty for  
not doing so.

Weekly re-  
turns, for pub-  
lication, to be  
furnished by  
company and  
copies to be  
posted up in  
head office.

**31.** Every company shall, weekly, prepare returns of their traffic for the last preceding seven days, in accordance with the form contained in the second appendix to this act, and a copy of such returns, signed by the officer of the company, responsible for the correctness of such returns, shall be forwarded by the company, to the commissioner of agriculture and public works, within seven days, and another copy of each of such returns, signed by the same officer, shall be posted up by the company, within the same delay, and kept posted up for seven days, in some conspicuous place in the most public room in the head office of the company in the province, and so as the same can be perused by all comers ; and free access thereto shall be allowed to all comers during the usual hours of business, at such office on each day of the said seven, not being a Sunday or holiday ;

Penalty for  
not doing so.

And every company which fails to forward the said weekly return to the commissioner of agriculture and public works, or which fails to post up and keep posted up a copy thereof, as aforesaid, and allow free access thereto, as aforesaid, shall be liable to a penalty not exceeding ten dollars for every day during which such default continues.

Report to the  
legislature.

**32.** The commissioner of agriculture and public works shall lay before both Houses of the Legislature, within twenty-one days from the commencement of each session, the returns made and rendered to him, in pursuance of section 30 of this Act.

**33.** All returns made in pursuance of any of the provisions of this act shall be privileged communications, and shall not be evidence in any court whatsoever.

Returns to be privileged communications.

## PART SECOND.

### THE RAILWAY COMMITTEE.

**34.** The Lieutenant Governor may, from time to time, appoint such members of the Executive Council, to the number of four at least, as he may see fit, to constitute the Railway Committee of the Executive Council, and such committee shall have the powers and perform the duties assigned to them by this Act.

Railway committee, constituted.

Powers and duties.

**35.** The railway committee shall appoint one of its members to be chairman, and the assistant commissioner of agriculture and public works, or some other fit person appointed by the committee, shall be the secretary of the committee.

Shall appoint chairman and secretary.

**36.** No railway or portion of any railway shall be opened for the public conveyance of passengers, until one month after notice in writing, of the intention to open the same, has been given by the company to whom the railway belongs to the railway committee, and until ten days after notice in writing has been given by the company, to the railway committee, of the time when the railway or portion of railway will be, in the opinion of the company, sufficiently completed for the safe conveyance of passengers, and ready for inspection.

Railway, not to be opened till after one month's notice to railway committee of intention to open the same.

**37.** If any railway or portion of a railway, be opened without such notices, the company to whom such railway belongs shall forfeit to Her Majesty the sum of two hundred dollars, for every day during which the same continues open, until the notices have been duly given and the delays have expired.

Penalty for contravention.

**38.** The railway committee, upon receiving such notification, shall direct one or more of the engineers, attached to the department of agriculture and public works, to examine the railway proposed to be opened, and all bridges, culverts, tunnels, road-crossings and other works and appliances connected therewith, and also all engines and other rolling-stock intended to be used thereon; and if the inspecting engineer or engineers report in writing to the railway committee that, in his or their opinion, the opening of the same would be attended with danger to

Railway committee, upon report of an engineer and sanction of lieutenant gov. in council, may postpone the opening of the road.

the public using the same, by reason of the incompleteness of the works or permanent way, or the insufficiency of the establishment for working such railway, together with the ground of such opinion, the railway committee, with the sanction of the Lieutenant Governor in council, and so, from time to time, as often as such engineer or engineers, after further inspection thereof, so report, may order and direct the company to whom the railway belongs to postpone such opening, not exceeding one month at any one time, until it appears to the committee that such opening may take place without danger to the public.

Penalty for opening, contrary to order of committee.

**39.** If any railway, or any portion thereof, be opened contrary to such order or direction of the railway committee, the company to whom the railway belongs shall forfeit to Her Majesty, the sum of two hundred dollars for every day during which the same continues open contrary to such order or direction.

When only such order to be binding on company.

**40.** No such order shall be binding upon any railway company, unless therewith is delivered to the company a copy of the report of the inspecting engineer or engineers on which the order is founded.

Committee may cause any work to be inspected and may, on report of engineer, condemn the railway or rolling stock, with sanction of lieutenant governor in council, and may order certain alterations in the works, &c.

**41.** The railway committee, whenever they receive information to the effect that any bridge, culvert, viaduct, tunnel, or any other portion of any railway, or any engine, car, or carriage used or for use on any railway, is dangerous to the public using the same, from want of repair, insufficient or erroneous construction, or from any other cause, or whenever circumstances may arise which, in their opinion, render it expedient, may direct any engineer or engineers, as aforesaid, to examine and inspect the railway or any portion thereof, or of the works connected therewith, or the engines and other rolling-stock in use thereon or any portion thereof; and, upon the report of the engineer or engineers, may condemn the railway, or any portion thereof, or any of the rolling-stock or other appliances used thereon, and, with the approval of the Lieutenant Governor in council, may require any change or alteration therein, or in any part thereof, or the substitution of any new bridge, culvert, viaduct or tunnel, or of any material for the said railway, and thereupon the company to which such railway belongs, or the company using, running or controlling the same, shall, after notice thereof in writing, signed by the chairman of the committee, and countersigned by the secretary thereof, proceed to make good or remedy the defects in the said portions of the railway, or in the locomotive, car or

carriage which have been so condemned, or shall make such change, alteration or substitution, hereinbefore referred to, as has been required, in manner aforesaid, by the committee.

42. If, in the opinion of any such engineer, it is dangerous for trains or vehicles to pass over any railway, or any portions thereof, until alterations, substitutions or repairs have been made thereon, or that any particular car, carriage or locomotive, should be run or used, the said engineer may forthwith forbid the running of any train or vehicle over such railway or portion of railway, or the running or using of any such car, carriage or locomotive, by delivering or causing to be delivered to the president, managing director, or secretary or superintendent of the company owning, running or using such railway, or to any officer having the management or control of the running of trains on such railway, a notice in writing to that effect, with his reasons therefor, in which he shall distinctly point out the defects or the nature of the danger to be apprehended.

Inspecting engineer may, in case of danger, forbid the running of trains, &c.

43. The inspecting engineer shall forthwith report the same to the railway committee, who, with the sanction of the lieutenant-governor in council, may either confirm, modify or disallow, the act or order of the inspecting engineer, and such confirmation, modification or disallowance shall be duly notified to the railway company affected thereby.

Must report to the Committee who may confirm or disallow his order.

44. Any engineer or engineers, so appointed as aforesaid, to inspect any railway or works, may at all reasonable times, upon producing his authority, if required, enter upon and examine the said railway and the stations, fences or gates, road-crossings, cattle-guards, works and buildings, and the engines, cars and carriages belonging thereto.

Power of engineer to examine the works, &c.

45. Every railway company, and the officers and directors thereof shall afford to the inspecting engineer or engineers, such information as may be within their knowledge and power, in all matters inquired into by them, and shall submit to such inspecting engineer or engineers all plans, specifications, drawings and documents relating to the construction, repair or state of repair of such railway, or any portion thereof, whether a bridge, culvert or other part;

Company, to afford necessary information to engineer.

2. Any such inspecting engineer shall have the right, whilst engaged in the business of such inspection, to

Engineer, to be conveyed by company.

travel without charge on any of the ordinary trains running on the railway, and to use the telegraph wires and machinery in the offices of or under the control of any such railway company ;

Telegraph operators, to obey his orders.

3. The operators or officers, employed in the telegraph offices of or under the control of the company, shall, without unnecessary delay, obey all orders of any such inspecting engineer for transmitting messages, and any such operator or officer refusing or neglecting so to do, shall forfeit for every such offence the sum of forty dollars ;

Proof of his authority.

4. The authority of any such inspecting engineer shall be sufficiently evidenced by instructions in writing, signed by the chairman of the railway committee, and countersigned by the secretary thereof.

Lieutenant Governor in council may order permanent bridges to be substituted for movable bridges.

46. The Lieutenant Governor in council, upon the report of the railway committee, may authorize or require any railway company to construct fixed and permanent bridges, or to substitute such bridges in the place of the swing, draw or movable bridges on the line of such railway, within such time as the Lieutenant Governor in council directs ; and for every day after the period so fixed, during which the company uses such swing, draw or movable bridges, the company shall forfeit and pay to Her Majesty, the sum of two hundred dollars ; and it shall not be lawful for any railway company to substitute any swing, draw or movable bridge in the place or stead of any fixed or permanent bridge, already built and constructed, without the previous consent of the railway committee.

Penalty for neglect.

Certain powers vested in railway committee with respect to crossing public highways, on a level.

47. In case where a railway is constructed, or authorized to be constructed, across any turnpike road, street or other public highway, on the level, the railway committee, if it appears to them necessary for the public safety, may, with the sanction of the Lieutenant Governor in council, authorize and require the company, to whom such railway belongs, within such time as the said committee directs, to carry such road, street or highway either over or under the said railway, by means of a bridge or arch, instead of crossing the same on the level, or to execute such other works as, under the circumstances of the case, appear to the said committee, the more suitable for removing or diminishing the danger arising from such level crossing ; and all the provisions of law at any such time applicable to the taking of land by railway companies and its valuation and conveyance to them, and to the compensation therefor, shall apply to the case of any

land required for the construction of any works for effecting the alteration of such level crossing.

**48.** Whenever any level crossing on any railway shall be out of repair, the chief officer of the municipality, or other local division, having jurisdiction over the highway so crossed, may serve a notice upon the company in the usual manner, requiring the repairs to be forthwith made; and if the company shall not forthwith make the same, such officer may transmit a copy of the notice so served, to the secretary of the railway committee; and thereupon, it shall be the duty of the committee, with all possible despatch, to appoint a day for an examination into the matter; and the committee shall, by mail, give notice to such chief officer, and to the company, of the day so fixed; and upon the day so named such crossings shall be examined by an engineer appointed by the railway committee; and any certificate under his hand shall be final on the subject so in dispute between the parties; and if the said engineer determines that any repairs are required, he shall specify the nature thereof in his certificate, and direct the company to make the same; and the company shall thereupon, with all possible despatch, comply with the requirements of such certificate; and, in case of default, the proper authority in the municipality, or other local division, within whose jurisdiction the said crossing is situate, may make such repairs, and may recover all costs, expenses and outlays in the premises, by action against the company in any court of competent jurisdiction, as money paid to the company's use; *Provided* always, that neither this section, nor any proceeding had thereunder, shall at all affect any liability otherwise attaching to such company in the premises.

**49.** The railway committee, or the inspecting engineer or engineers, may limit the number, the time, or rate of speed of running of trains or vehicles, upon any railway, or portion of railway, until such alterations or repairs as they or he may think sufficient have been made, or until such times as they or he think prudent; and the company, owning, running or using such railway, shall comply forthwith with any such order of the railway committee or inspecting engineer, upon notice thereof as aforesaid; and for every act of non-compliance therewith, every such railway company shall forfeit to Her Majesty, the sum of two thousand dollars.

**50.** Every railway company shall, as soon as possible, and at least within forty-eight hours after the occurrence



given to the  
committee.

upon the railway belonging to such company of any accident, attended with serious personal injury to any person using the same, or whereby any bridge, culvert, viaduct or tunnel on or of the railway has been broken, or so damaged as to be impassable or unfit for use, give immediate notice thereof to the railway committee; and, if any company wilfully omits to give such notice, such company shall forfeit to Her Majesty, the sum of two hundred dollars for every day during which the omission to give the same continues.

Inspection, not  
to relieve com-  
pany from  
liability.

**51.** No inspection had under this act, nor anything in this act contained, or done, or ordered or omitted to be done, or ordered under or by virtue of the provisions of this act, shall relieve or be construed to relieve any railway company of or from any liability or responsibility, resting upon it by law, either towards Her Majesty or towards any person, or the wife or husband, parent or child, executor or administrator, tutor or curator, heir or other personal representative of any person, for any thing done or omitted to be done by such company, or for any wrongful act, neglect or default, misfeasance, malfeasance or nonfeasance, of such company, or in any manner or way to lessen such liability or responsibility, or in any way to weaken or diminish the liability or responsibility of any such company, under the laws in force in this province.

Company, to  
notify orders  
of Committee  
to its officers,  
&c.

**52.** Every railway company shall, as soon as possible, after the receipt of any order or notice of the railway committee or inspecting engineer, give cognizance thereof to each of its officers and servants, in one or more of the ways mentioned in section 63 of this act.

What to be  
deemed suf-  
ficient notice  
thereof.

**53.** All orders of the railway committee shall be considered as made known to the railway company by a notice thereof signed by the chairman and countersigned by the secretary of the board and delivered to the president, vice-president, managing director, secretary or superintendent of the company, or at the office of the company; and orders of the inspecting engineers shall be deemed to be made known to the railway company, by a notice thereof, signed by the engineer or engineers, and delivered as above mentioned.

Return of ac-  
cidents, to be  
made semi-  
annually, and  
what to con-  
tain, &c.

**54.** Every railway company shall, within one month after the first days of January and July, in each and every year, make to the railway committee, under the oath of the president, secretary or superintendent of the company,

a true and particular return of all accidents and casualties (whether to life or property) which have occurred on the railway of the company during the half year next preceding each of the said periods respectively, setting forth :

1. The causes and nature of such accidents and casualties ;

2. The points at which they occurred and whether by night or by day ;

3. The full extent thereof, and all the particulars of the same ; and,

4. Shall also, at the same time, return a true copy of the existing by-laws of the company, and of their rules and regulations for the management of the company and of their railway. Copy of by-laws.

**55.** The railway committee may order and direct, from time to time, the form in which such returns shall be made up, and may order and direct any railway company to make up and deliver to them, from time to time, in addition to the said periodical returns, returns of serious accidents, occurring in the course of the public traffic upon the railway belonging to such company, whether attended with personal injury or not, in such form and manner as the committee deem necessary and require for their information, with a view to the public safety. Form of return, to be appointed by the railway committee.

**56.** If such returns, so verified, be not delivered within the respective times herein prescribed, or within fourteen days after the same have been so required by the committee, every company making default, shall forfeit to Her Majesty, the sum of one hundred dollars for every day during which the company neglects to deliver the same. Penalty for neglect.

**57.** All such returns shall be privileged communications, and shall not be evidence in any court whatsoever. Such returns, to be privileged communications.

**58.** With respect to all railways coming within the jurisdiction of the legislature of this province, to which the provisions of the railway act, chapter sixty-six of the Consolidated Statutes of Canada, apply, the railway committee constituted by this act, shall be vested with all the rights and powers vested in the board of railway commissioners under the said act, collectively or in any single member thereof ; and such powers may be exercised by the said committee collectively or by any single member thereof, as the case may be, in the same manner and as effectually as they might have been exercised by Railway committee, to have, with respect to certain railways, the powers of the former railway commissioners ;

the said board of railway commissioners; but any inspection that may be required in respect of any such railway, shall be performed in conformity with the provisions of this act:

And may continue proceedings commenced by former railway commissioners.

2. All proceedings heretofore commenced by the said board of railway commissioners may be taken up and continued; and all orders and regulations of the said board, and all penalties and forfeitures, for their contravention, may be enforced and recovered by the railway committee in the same manner and with the same effect as they might have been by the said board before the passing of this act.

#### TRAFFIC ARRANGEMENTS.

One company may agree with another respecting traffic.

**59.** The directors of any railway company may, at any time, make agreements or arrangements with any other company, either in the province or elsewhere, for the regulation and interchange of traffic passing, to and from their railways, and for the working of the traffic over the said railways respectively, or for either of those objects separately, and for the division of tolls, rates and charges in respect of such traffic, and generally in relation to the management and working of the railways, or any of them, or any part thereof, and of any railway or railways in connection therewith, for any term not exceeding twenty-one years, and to provide, either by proxy or otherwise, for the appointment of a joint committee or committees for the better carrying into effect any such agreement or arrangement, with such powers and functions as may be considered necessary or expedient, subject to the consent of two thirds of the stockholders voting in person or by proxy;

Railway companies must afford each other every facility for the forwarding of traffic, without preference or favor.

2. But every railway company shall, according to their respective powers, afford all reasonable facilities to any other railway company, for the receiving and forwarding and delivering of traffic upon and from the several railways belonging to or worked by such companies respectively, and for the return of carriages, trucks, and other vehicles; and no company shall give or continue any preference or advantage to, or in favor of any particular company, or any particular description of traffic, in any respect whatsoever, nor shall any company subject any particular company or any particular description of traffic to any prejudice or disadvantage in any respect whatsoever; and every railway company having or working a railway, which forms part of a continuous line of railway, or which intersects any other railway, or which has any terminus, station, or wharf of the one near any terminus,

station or wharf of the other, shall afford all reasonable facilities for receiving and forwarding by the one railway all the traffic arriving by the other, without any unreasonable delay, and without any preference or advantage, or prejudice or disadvantage, so that no obstruction may be offered in the using of such railway as a continuous line of communication, and so that all reasonable accommodation may, at all times, by the means aforesaid, be mutually afforded by and to the said railway companies; and any agreement made between any two or more railway companies contrary to the foregoing provisions, shall be unlawful, null and void;

Agreements made in contravention to be void.

3. Any railway companies, granting any facilities to any incorporated express company, shall grant equal facilities, on equal terms and conditions, to any other incorporated express company demanding the same;

Must grant equal facilities to all express companies.

4. If any officer, servant or agent of any railway company, having the superintendence of the traffic at any station or dépôt thereof, refuses or neglects to receive, convey or deliver at any station or dépôt of the company for which they may be destined, any passenger, goods or things, brought, conveyed or delivered to him or such company, for conveyance over or along their railway from that of any other company, intersecting or coming near to such first mentioned railway,—or in any way wilfully contravenes the provisions of the second subsection of this section,—such first mentioned railway company, or such officer, servant or agent, personally, shall, for each such neglect or refusal, incur a penalty not exceeding fifty dollars over and above the actual damages sustained; which penalty may be recovered with costs, in a summary way, before any justice of the peace, by the railway company or any other party aggrieved by such neglect or refusal, and to and for the use and benefit of the company, or other party so aggrieved;

Penalties on companies or their officers refusing or neglecting to forward traffic as above required.

5. For the purposes of the four next preceding subsections, the word: "traffic," includes not only passengers and their baggage, goods, animals and things conveyed by railway, but also cars, trucks and vehicles of any description adapted for running over any railway,—the word: "railway," includes all stations and dépôts of the railway;—and a railway shall be deemed to come near another when some part of the one is within one mile of some part of the other.

How recoverable and how applied.

Interpretation of word: "Traffic."

"Railway."

6. Whenever a railway company, under its act of incorporation, has the power of amalgamating, by deed of agreement, with another company, the deed of agreement, effecting such amalgamation, after having been drawn up and passed by such companies, shall be transmitted to

Contract of amalgamation to be approved by lieutenant governor, &c.

the Lieutenant Governor in council for his approval and such approval shall be made known to the public by means of a notice signed by the provincial secretary and published in the "Quebec Official Gazette."

#### RAILWAY CONSTABLES.

Constables may be appointed to act on the line of any railway and how.

**60.** Any Judge of the Court of Queen's Bench or Superior Court, or Clerk of the Court, or Clerk of the Peace, or Clerk of the Crown, or Judge of the Sessions of the Peace, on the application of the board of directors of any railway company, whose railway passes within the local jurisdiction of such Justices of the Peace, Judge, Clerk, or Judge of the Sessions of the Peace, as may be, or on the application of any clerk or agent of such company, thereto authorized by such board, may, in their or his discretion, appoint any persons, recommended to them for that purpose by such board of directors, clerk or agent, to act as constables on and along such railway; and every person so appointed shall take an oath or make a solemn declaration in the form or to the effect following, that is to say:—

Oath of office.

"I, A. B., having been appointed a constable to act upon and along (*here name the railway*) under the provisions of (*here insert the title of this act*), do swear that I will well and truly serve Our Sovereign Lady the Queen, in the said office of constable, without favor or affection, malice or ill-will, and that I will, to the best of my power, cause the peace to be kept, and prevent all offences against the peace, and that while I continue to hold the said office, I will, to the best of my skill and knowledge, discharge the duties thereof faithfully, according to law; So help me God."

By whom to be administered.

Powers of such constables.

To what localities they shall extend.

2. Such oath or declaration shall be administered by any such Judge, Clerk, or Judge of the Sessions of the Peace; and every constable so appointed, and having taken such oath or made such declaration, shall have full power to act as a constable for the preservation of the peace, and for the security of persons and property against felonies and other unlawful acts, on such railway, and on any of the works belonging thereto, and on and about any trains, roads, wharves, quays, landing-places, warehouses, lands and premises belonging to such company, whether the same be in the county, city, town, parish, district, or other local jurisdiction, within which he was appointed, or in any other place through which such railway passes, or in which the same terminates, or through or to which any railway passes, which may be worked or leased by such railway company, and in all places not more than one-quarter of a mile distant from such railway or rail-

ways ; and shall have all such powers, protection and privileges for the apprehending of offenders, as well by night as by day, and for doing all things for the prevention, discovery and prosecution of felonies and other offences, and for keeping the peace, which any constable duly appointed has within his jurisdiction as such constable ; and it shall be lawful for any such constable, to take such persons as may be punishable by summary conviction for any offence against the provisions of this act, or of any of the acts or by-laws affecting any such railway, before any justice or justices appointed for any county, city, town, parish, district or other local jurisdiction, within which any such railway may pass ; and every such justice shall have authority to deal with all such cases, as though the offence had been committed and the person taken, within the limits of his own local jurisdiction ;

Further duties  
and powers of  
such constable.

3. Any Judge of the Court of Queen's Bench or Superior Court, or Clerk of the Peace, or Clerk of the Crown, or Judge of the Sessions of the Peace, may dismiss any such constable, who may be acting within their several jurisdictions ; and the board of directors of such railway company, or any clerk or agent of such company thereto authorized by such board, may dismiss any such constable who may be acting on such railway ; and upon every such dismissal, all powers, protection and privileges, belonging to any such person by reason of such appointment, shall wholly cease ; and no person so dismissed shall be again appointed or act as constable for such railway, without the consent of the authority by which he was dismissed ;

Dismissal of  
such con-  
stables.

4. Every such railway company shall cause to be recorded in the office of the Clerk of the Peace for every county, city, town, parish, district, or other local jurisdiction, wherein such railway or railways may pass, the name and designation of every constable so appointed at their instance, the date of his appointment, and the authority making it, and also the fact of every dismissal of any such constable, the authority making it and the date thereof, within one week from such appointment or dismissal, as the case may be, and the Clerk of the Peace shall keep such record in a book, to be open to public inspection, charging such fee or fees as the railway committee may, from time to time, authorize, and in such form as the committee may, from time to time, direct ;

Record of ap-  
pointments of  
such constables  
to be kept.

5. Every such constable who is guilty of any neglect or breach of duty in his office of constable, shall be liable, on summary conviction thereof, within any county, city, district, or other local jurisdiction, wherein such railway may pass, to a penalty of not more than eighty dollars,

Punishment of  
constables for  
neglect of  
duty ;

the amount of which penalty may be deducted from any salary due to such offender, if such constable be in receipt of a salary from the railway company, or to imprisonment, for not more than two months, in the gaol of such county, city, district, or other local jurisdiction ;

And of persons resisting them.

6. Every person, who assaults or resists any constable appointed as aforesaid, in the execution of his duty, or who incites any person to assault or resist any constable, shall, for every such offence, be liable, on summary conviction, to a penalty of not more than eighty dollars, or to imprisonment, for not more than two months.

#### GENERAL PROVISIONS.

Companies to make by-laws for regulation of conductors and other officers.

**61.** Every railway company shall make such by-laws, rules and regulations, to be observed by the conductors, engine-drivers and other officers and servants of the company, and by all other companies and persons using the railway of such company, and such regulations, with regard to the construction of the carriages and other vehicles, to be used in the trains of the railway of the company, as are requisite for ensuring the perfect carrying into effect of the provisions of this act, and the orders and regulations of the railway committee ;

Altering by-laws.

2. The company may, from time to time, repeal or alter such by-laws and make others, provided that such by-laws be not repugnant to the provisions of this act or the act incorporating the company, or any act or acts amending the same ;

Form.

3. And such by-laws shall be reduced into writing and shall have affixed thereto the common seal of the company ;

Imposing penalties.

4. Any of the conductors, engine-drivers, and other officers and servants of the company or other railway companies using any railway, offending against any such by-law, shall forfeit, for every such offence, a sum not exceeding forty dollars, such forfeiture to be imposed by the company, in such by-law, as a penalty for every such offence ;

Summary interference in certain cases.

5. If the infraction or non-observance of any such by-law, by any of the classes in the next preceding subsection mentioned, be attended with danger or annoyance to the public, or hindrance to the company in the lawful use of the railway, it shall be lawful for the company summarily to interfere, using no violence or unnecessary force, to obviate or remove such danger, annoyance, or hindrance, and that without prejudice to any penalty incurred by the infraction of any such by-law ;

6. No such by-law shall have force or effect unless, or Sanction.  
until it has been approved by the Lieutenant Governor in  
council;

7. The substance of any such by-law, when approved How such by-  
as aforesaid, if it affects any officer or servant of the com- laws shall be  
pany, may be proved by proving the delivery of a copy to notified to rail-  
or its receipt by such officer or servant; and, if it affects way servants  
any other railway company, using the railway, shall be and to the  
painted on boards, or printed on paper and pasted on public.  
boards, and hung up and affixed and continued on the  
front or other conspicuous part of every wharf or station  
belonging to the company, according to the nature or  
subject-matter of such by-laws respectively, and so as to  
give public notice thereof to the parties interested therein,  
or affected thereby; and such boards shall, from time to  
time, be renewed as often as the by-laws thereon or any  
part thereof shall be obliterated or destroyed; and no  
penalty, imposed by any such by-law, shall be recoverable  
unless the same shall have been published, and kept  
published in manner aforesaid;

8. Such by-laws, when so confirmed, shall be binding What parties  
upon and be observed by all parties mentioned in the to be bound by  
fourth sub-section of this section, and shall be sufficient to such by-laws.  
justify all persons acting under the same; and for proof  
of the publication of any such by-laws affecting only any  
other railway company, using the railway, it shall be Proof thereof.  
sufficient to prove that a printed paper or painted board,  
containing a copy of such by-laws, was affixed, placed and  
continued in the manner by this section directed, and in case  
of its being afterwards displaced or damaged, then that  
such paper or board was replaced as soon as conveniently  
might be.

62. Any railway company may, by a by-law, impose Company may  
upon any officer, servant, or person who, before con- impose penal-  
travening such by-law, has had notice thereof, and is ties for contra-  
employed by the company, a forfeiture to the company of vention of by-  
not less than thirty days' pay of such officer or servant, for laws.  
any contravention of such by-law, and may retain any  
such forfeiture out of the salary or wages of the offender.

63. The notice of the by-law or of any order or notice How notice of  
of the railway committee, or of the inspecting engineer by-laws or  
or engineers, may be proved by proving the delivery of a orders may be  
copy thereof to the officer, servant or person, or that he proved.  
signed a copy thereof, or that a copy thereof was posted  
in some place where his work or his duties, or some of  
them, were to be performed.



When such proof, &c., shall be a defence for the company.

**64.** Such proof, with a proof of the contravention, shall be a full answer and defence for the company in any suit for the recovery of the amount so retained, and such forfeiture shall be over and above any penalty under this act.

Not to impede navigation.

**65.** No such company shall cause any obstruction in or impede the free navigation of any river, stream or canal to, or across or along which their railway is carried.

Railways crossing rivers, &c., regulated.

**66.** If the railway be carried across any navigable river or canal, the company shall leave openings between the abutments or piers of their bridge or viaduct over the same, and shall make the same of such clear height above the surface of the water, or shall construct such draw-bridge or swing-bridge over the channel of the river, or over the whole width of the canal, and shall be subject to such regulations as to the opening of such swing-bridge or draw-bridge as the Lieutenant Governor in council, from time to time, may make.

Plans to be submitted to the lieutenant governor in council.

**67.** It shall not be lawful for any such company to construct any wharf, bridge, pier or other work upon or over any navigable river, lake or canal, or upon the beach or bed or lands covered with the waters thereof, until they have first submitted the plan and proposed site of such work to the railway committee, and the same has been approved; and no deviation from such approved site or plan shall be made, without the consent of the committee.

Exception, when special powers are given by the special act.

**68.** Nothing contained in the three next preceding sections of this act. shall be construed to limit or affect any power expressly given to any railway company by its special act of incorporation or any special act amending the same.

When a railway passes over a swing bridge, &c., train to stop for three minutes.

**69.** In all cases where a railway passes any draw or swing bridge over a navigable river, canal or stream, which is subject to be opened for the purposes of navigation, the trains shall, in every case, be stopped at least three minutes, to ascertain from the bridge-tender that the said bridge is closed and in perfect order for passing, and, in default of so stopping during the full period of three minutes, the said railway company shall be subject to a fine or penalty of four hundred dollars.

Company to use the best apparatus for communication.

**70.** Every railway company, which runs trains upon the railway for the conveyance of passengers, shall provide and cause to be used in and upon such trains, such known

apparatus and arrangements as best afford good and sufficient means of immediate communication between the conductors and the engine-drivers of such trains while the trains are in motion, and good and sufficient means of applying, by the power of the steam-engine or otherwise at the will of the engine-driver, or other person appointed to such duty, the brakes to the wheels of the locomotive or tender, or both, or of all or any of the cars or carriages composing the trains, and of disconnecting the locomotive, tender, and cars or carriages from each other by any such power or means, and also such apparatus and arrangements as best and most securely place and fix the seats or chairs in the cars or carriages, and shall alter such apparatus and arrangements, or supply new apparatus and arrangements, from time to time, as the railway committee may order.

**71.** Every railway company, which fails to comply with any of the provisions contained in the next preceding section, shall forfeit to Her Majesty, a sum not exceeding two hundred dollars for every day during which such default continues.

Penalty for not complying with provisions of section 70.

**72.** Every railway company shall station an officer at every point on their line, crossed on a level by any other railway, and no train shall proceed over such crossing until signal has been made to the conductor thereof that the way is clear.

Further precautions at level crossings.

**73.** Every locomotive or railway engine or train of cars, on any railway, shall, before it crosses the track of any other railway on a level, be stopped for at least the space of one minute.

Further precautions, when railway crosses another on a level;

**74.** No locomotive or railway engine shall pass in or through any thickly-peopled portion of any city, town or village at a speed greater than six miles per hour, unless the track is properly fenced.

Or runs through a city, town, &c.;

**75.** Whenever any train of cars is moving reversely in any city, town or village, the locomotive being in the rear, the company shall station, on the last car in the train, a person who shall warn parties, standing on or crossing the track of such railway, of the approach of such train; and for any contravention of the provisions of this and the three next preceding sections, the company shall incur a penalty of one hundred dollars.

Or moves reversely.

Penalty for contravention of sections 72, 73, 74 and 75.

**76.** If the railway committee orders any railway company to erect at or near or in lieu of any level crossing

Foot passengers to use foot bridge, if pro-

vided for that purpose at level crossings.

of a turnpike road, or other public highway, a foot-bridge or foot-bridges over their railway for the purpose of enabling persons, passing on foot along such turnpike road or public highway, to cross the railway by means of such bridge or bridges, then, from and after the completion of such foot-bridge or foot-bridges so required to be erected, and while the company keeps the same in good and sufficient repair, such level crossing shall not be used by foot passengers on the said turnpike-road or public highway, except during the time when the same is used for the passage of carriages, carts, horses or cattle along the said road.

No cattle to be allowed at large on any highway within half a mile of any railway.

**77.** No horses, sheep, swine or other cattle shall be permitted to be at large upon any highway, within half a mile of the intersection of such highway with any railway on grade, unless such cattle are in charge of some person or persons to prevent their loitering or stopping on such highway, at such intersection.

Such cattle may be impounded.

**78.** All cattle found at large in contravention of the last preceding section may, by any person finding the same at large, be impounded in the pound nearest to the place where the same are so found; and the pound-keeper, with whom the same are so impounded, shall detain the same in the like manner, and subject to the like regulations as to the care and disposal thereof, as in the case of cattle impounded for trespass on private property.

If killed, owner not entitled to any action.

**79.** No person, any of whose cattle, being at large, contrary to the provisions of section 77, are killed by any train at such point of intersection, shall have any action against any railway company in respect to the same being so killed.

Crossings to be fenced.

**80.** At every road and farm crossing on the grade of the railway, the crossing shall be sufficiently fenced, on both sides, so as to allow the passage of the trains without danger to the animals.

Ground belonging to the company to be cleared of weeds.

**81.** Every railway company shall cause all thistles and other noxious weeds, growing on the cleared land or ground adjoining the railway and belonging to such company, to be cut down and kept constantly cut down, or to be rooted out of the same.

Consequences of omitting to do so.

**82.** If any railway company fails to comply with the requirements of the last preceding section, within twenty days after they have been required to comply with the

same, by notice from the mayor, warden or chief officer of the municipality of the township, county or district in which the land or ground lies, or from any justice of the peace therein, such company shall thereby incur a penalty of two dollars, to the use of the municipality, for each day during which they neglect to do anything, which they are lawfully required to do by such notice, and the said mayor, warden, officer or justice of the peace may cause all things to be done, which the said company were lawfully required to do by such notice, and for that purpose may enter, by himself and his assistants or workmen, upon such lands or grounds, or may recover the expenses and charges incurred in so doing, and the said penalty, with costs of suit, in any court having jurisdiction in civil cases to the amount sought to be recovered.

**83.** The interest of the purchase-money or rent of any real property acquired or leased by any railway company, and necessary to the efficient working of such railway, and the price or purchase money of any real property or thing, without which the railway could not be efficiently worked, shall be considered to be part of the expenses of working such railway, and shall be paid, as such, out of the earnings of the railway.

Interest of purchase money or rent of real property to be deemed working expenses.

#### PENAL CLAUSES.

**84.** Every person who, by any means or in any manner or way whatsoever, obstructs or interrupts the free use of the railway, or the carriages, vessels, engines or other works incidental or relative thereto, or connected therewith, shall, on conviction thereof, be punished by imprisonment in the common gaol of the district or county where the conviction takes place, for any term less than two years.

Penalty on persons obstructing free use of railway.

**85.** All persons wilfully breaking, throwing down, damaging or destroying the same, or any part thereof, or any of the buildings, stations, depôts, wharves, vessels, fixtures, machinery or other works or devices incidental or relative thereto, or connected therewith, or doing any other wilful hurt or mischief, or wilfully obstructing or interrupting the free use of the railway, vessels or works or obstructing, hindering or preventing the carrying on, completing, supporting and maintaining the railway, vessels or works, shall, unless the offence committed amounts, under some other act or law, to a felony, be liable on conviction to be punished in the manner prescribed by the preceding section.

Penalty on persons damaging railway.  
If offence be a felony under other acts.

Punishment of  
persons wilfully  
damaging  
railway.

**86.** If any person wilfully displaces or removes any railway switch or rail of any railway, or breaks down, rips up, injures or destroys any railway track, or railway bridge or fence of any railway or any portion thereof, or places any obstruction whatsoever on any such rail or railway track or bridge, shall be punished by imprisonment in the common gaol of the territorial division, in which such offence is committed or tried, for any period not exceeding one year from conviction thereof.

Placing  
obstructions on  
railway, re-  
moving rails,  
moving points,  
&c., how  
punishable.

**87.** Whosoever wilfully and unlawfully puts, places, casts or throws upon or across any railway, any wood, stone or other matter or thing, or unlawfully takes up, removes or displaces any rail, sleeper, or other matter or thing belonging to any railway, or unlawfully turns, moves or diverts any point or other machinery belonging to any railway, or unlawfully makes or shows, hides or removes any signal or light upon or near to any railway, shall be liable to be imprisoned, for any term less than two years, in the common gaol of the territorial division in which the offence was committed or has been tried.

Punishment  
for committing  
any injury,  
stoppage, &c.

**88.** If any person wilfully does or causes to be done, any act whatever, whereby any building, fence, construction or work of any railway, or any engine, machine or structure of any railway, or any matter or thing appertaining to the same, is stopped, obstructed, impaired, weakened, injured or destroyed, the person so offending, shall be punished by imprisonment, for a period not exceeding one year, in the common gaol of the territorial division, in which the offence was committed or has been tried.

Punishment  
for persons  
boring or cut-  
ting casks or  
packages on  
railway.

**89.** Every person who, unlawfully, bores, pierces, cuts, opens, or otherwise injures any cask, box or package, containing wine, spirits or other liquors, or any case, box, sack, wrapper, package or roll of goods, in, on or about any car, waggon, boat, vessel, warehouse, station house, wharf, quay or premises of or belonging to any such railway company, with intent unlawfully to obtain or to injure the contents, or any part thereof, or who unlawfully drinks, or wilfully spills or allows to run to waste, any such liquors, or any part thereof, shall, for every such offence, be liable, on summary conviction, before one or more justices of the peace, to a penalty of not more than twenty dollars, over and above the value of the goods or liquors so taken or destroyed, or to imprisonment for not more than one month.

Punishment of  
persons  
obstructing

**90.** Every person wilfully obstructing any inspecting engineer in the execution of his duty shall, on conviction

before a justice of the peace having jurisdiction in the place where the offence has been committed, forfeit and pay for every such offence any sum not exceeding forty dollars, and in default of payment of any penalty so adjudged, immediately, or within such time as the said justice of the peace appoints, the same justice, or any other justice, having jurisdiction in the place where the offender resides, may commit the offender to prison for any period not exceeding three months; but such commitment shall cease on payment of the amount of the penalty; and every such penalty shall be returned to the next ensuing Court of General or of Quarter Sessions in the usual manner.

inspectors in the execution of their duty.

**91.** If any officer or servant of, or person employed by any railway company, wilfully or negligently contravenes any by-law or regulation of the company, lawfully made and in force, or any order or notice of the railway committee, or of the inspecting engineer or engineers, of which a copy has been delivered to him, or has been posted up or open to his inspection in some place where his work or his duties, or any of them, are to be performed, then, if such contravention causes injury to any property or to any person, or exposes any property or any person to the risk of injury, or renders such risk greater than it would have been without such contravention, although no actual injury occurs, the person convicted of such contravention shall, in the discretion of the court before whom the conviction is had, be punished by fine or imprisonment, so as no such fine exceeds four hundred dollars, nor any such imprisonment the term of five years.

Punishment of officers contravening by-laws.

**92.** If such contravention does not cause injury to any property or person, nor expose any person or property to the risk of injury, nor make such risk greater than it would have been without such contravention, then the officer, servant or other person guilty thereof, shall thereby incur a penalty not exceeding the amount of thirty days' pay, nor less than fifteen days' pay of the offender from the company, in the discretion of the justice of the peace before whom the conviction is had; and such penalty shall be recoverable with costs, before any one justice of the peace, having jurisdiction where the offence has been committed, or where the offender is found, on the oath of one credible witness other than the informer.

Penalty in certain cases, how recoverable.

**93.** One moiety of such penalty shall belong to Her Majesty for the public uses of the province, and the other

Application of penalty.

moiety to the informer, unless he be an officer or servant of, or person in the employ of the company, in which case he shall be a competent witness and the whole penalty shall belong to Her Majesty for the uses aforesaid.

The company may pay penalty and deduct from wages.

**94.** The company may, in all cases, under the three next preceding sections, pay the amount of the penalty and costs, and recover the same from the offender, or deduct it from his salary or pay.

#### APPLICATION OF PENALTIES.

Penalties to be paid over to Treasurer of the Province, if not otherwise provided.

**95.** All penalties recovered under this act, in respect to the application of which no other provision is made, shall be paid to the Treasurer of the Province, to the credit of "The Railway Inspection Fund."

#### RAILWAY INSPECTION FUND.

Railway inspection fund.

**96.** Every railway in this province to which this act applies, shall, so soon as any portion thereof is in use, pay to the treasurer, an annual rate to be fixed by the railway committee, not exceeding ten dollars per mile of railway constructed and in use; such rate to be paid half-yearly on the first days of January and July, in each year, and to form a special fund for the purposes of this act, to be called: "The Railway Inspection Fund."

#### APPLICATION OF CERTAIN SECTIONS.

What the words: "Railway Company" shall include.

**97.** In interpreting the provisions of the present act, from section thirty-four to section seventy-six, both inclusively, the expressions: "railway company" or: "company," shall include every proprietor, lessee or contractor working a railway built or worked under any act of this legislature.

#### FINAL PROVISIONS.

Repeal of former acts.

**98.** Subject to the provisions hereinafter made, the act passed in the thirty-second year of Her Majesty's reign and known as: "The Quebec Railway Act, 1869;"—the act passed in the thirty-fourth year of Her Majesty's reign, and intitled: "An Act to amend the Quebec Railway Act, 1869;"—the act passed in the thirty-seventh year of Her Majesty's reign, and intitled: "An Act to amend the Quebec Railway Act, 1869;"—the act passed in the thirty-eighth year of Her Majesty's reign, and intitled: "An Act further to amend the Quebec Railway Act, 1869, (32 Vict., chap. 51);"—the act passed in the year last mentioned, and

32 Vict., c. 51, (1869).

34 Vict., c. 20, (1870).

37 Vict., c. 16, (1874).

38 Vict., c. 40, (1875).

38 Vict., c. 41, (1875).

intituled: "An Act to further amend the Quebec Railway Act, 32 Vict., chap. 51, and for other purposes;"—the act passed in the thirty-ninth year of Her Majesty's reign, and intituled: "An Act to further amend the Quebec Railway Act, 1869, (32 Vict., chap. 51);"—the act passed in the fortieth year of Her Majesty's reign, and intituled: "An Act to further amend 'The Quebec Railway Act, 1869,'"—the Act passed in the forty-first year of Her Majesty's reign, and intituled: "An Act to amend the Act of this province, 32 Vict., chap. 51, respecting railways;"—and the act passed in the forty second and forty third years of Her Majesty's reign, intituled: "An Act to amend the Quebec Railway Act, 1869,"—are hereby repealed and this act is substituted therefor; Provided always, that all acts or enactments, repealed by any of the said acts, shall remain repealed, and that all things legally done and all rights acquired under the acts hereby repealed, or of any of them, shall remain valid and may be enforced, and all proceedings and things lawfully commenced under them, or any of them, may be continued and completed, under the corresponding provisions of this act, which shall not be construed as a new law, but as a consolidation and continuation of the said repealed acts, subject to the amendments and new provisions hereby made and incorporated with them; and anything heretofore done in pursuance or in contravention of any provision in any of the said repealed acts which is repeated, without material alteration in this act, may be alleged or referred to as having been done in pursuance or in contravention of the repealed act in which such provision was made, or of this act; and every such provision shall be construed as having and as having had the same effect and from the same time as under such repealed act; and any reference, in any former act or document, to any such provision in any of the said repealed acts shall hereafter be construed as a reference to this act or to the corresponding provision of this act.

<sup>39</sup> Vict., c. 53,  
(1875).

<sup>40</sup> Vict., c. 30,  
(1876).

<sup>41</sup> Vict., c. 19,  
(1878).

<sup>42-43</sup> Vict., c.  
2, (1879).

Proviso.



## RETURNS BY RAILWAY COMPANIES.

## FIRST APPENDIX.

Return in pursuance of "The Quebec Consolidated Railway Act, 1880," by the \_\_\_\_\_ Railway Company of their authorized share and loan capital, and the sums received in respect of their ordinary capital and preferential capital, and debenture stock, or funded debt, on the 31st December, 18\_\_\_\_, specifying the rate per cent. of the dividends for the year 18\_\_\_\_, on each of the said capitals, showing also the loans outstanding on the 31st December, 18\_\_\_\_, classified according to the several rates per cent. of interest, and the capital subscribed to other undertakings, whether such undertakings are on lease to, or worked by the subscribing company, or are independent.

Name of company.	*Authorized capital paid up to the 31st December, 18 , including capital authorized as subscription to other undertakings, whether such other undertakings are on lease to or worked by the subscribing company or are independent.			Paid up Stock and Share Capital on 31st December, 18 , including subscriptions paid up to other undertakings.								
	† By shares.	By loans.	Total.	Ordinary.	Rate per cent of Dividend.	Guaranteed.	Guaranteed rate of Dividend.	Rate of Dividend paid.	Preferential Shares.	Preferential rate of Dividend.	Rate of Dividend paid.	Total paid up Stock and Share Capital to 31st Dec., 18 .
	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$

NOTE.—This return should be dated and signed by the officer or officers of the Company responsible for its correctness.

\* This should include all capital authorized to be raised by acts of the Provincial Legislature, but should not include capital authorized only for purposes which have lapsed by abandonment or otherwise.

† In cases where a subscription is authorized out of *existing* capital, no addition should be made in respect of it to the sum entered in this column, but only to the sum entered in the last column.

FIRST APPENDIX.—(Continued.)

Capital raised by loans and debenture Stock to 31st December, 18 .					Total stock and share capital paid up, and capital raised by loans and debenture stock, to 31st Dec., 18 .	Subscriptions to other companies.	REMARKS.
Loans.	Rate of interest.	‡ Debentures.	Rate of interest.	Total raised by loans and debenture stock to 31st Dec., 18 .			
\$		\$		\$			

‡ Care should be taken not to confound debenture stock with ordinary debenture loans and not to enter the same under both heads.

## SECOND APPENDIX.

## ..... RAILWAY OF QUEBEC.

Return traffic for week ending 18 and the  
corresponding week 18 .

Date.	Passengers.	Freight and Live Stock.	Mails and Sundries	Total.	Miles open.
18	.....	.....	.....	.....	.....
18	.....	.....	.....	.....	.....

Increase..... \$

Decrease..... \$

Aggregate traffic from 18 .

Date.	Passengers.	Freight and Live Stock.	Mails and Sundries	Total.	Miles open.
18	.....	.....	.....	.....	.....
18	.....	.....	.....	.....	.....

## CAP. XLIV.

An Act respecting the "Quebec, Montreal, Ottawa and  
Occidental Railway."

[Assented to 30th June, 1880.]

Preamble.

**W**HEREAS a bridge, between the city of Hull and the  
city of Ottawa, has been commenced, to continue  
the "Quebec, Montreal, Ottawa and Occidental Railway";  
and, whereas it is imperative that such bridge be con-  
tinued so that within as short a delay as possible, the said  
road may be connected with the Canada Central Railway,