

**STATUTES AND ENACTMENTS
CONCERNING RAILWAYS
HAVING REFERENCE TO THE
NORTH SHORE RAILWAY OF THE
PROVINCE OF QUÉBEC, CANADA**

Published @ 2017 Trieste Publishing Pty Ltd

ISBN 9780649532810

Statutes and Enactments Concerning Railways Having Reference to the North Shore Railway of the Province of Québec, Canada by Rhodos Trustees

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CANADA

PRINTED BY AUGUSTIN COTÉ & C^o

1872

REMARKS.

Page 1.—Chapter 66, Consolidated Statutes of Canada, is the general railway act, which, with its amendments, govern the North Shore Railway Company in all matters, not varied or excepted by the "North Shore Railway Act," and the acts amending said last mentioned act.

Page 84.—Sections 75, 76 and 77 are repealed by the Municipal Code of the Province of Quebec.

Page 72.—All grants of land made to "the North Shore Railway Company," or to "the St. Maurice Railway and Navigation Company," previous to the 24th December, 1870, are revoked. See page 125, section 4.

Page 73.—This act has been, in some respects, changed. See 21st Victoria, chapter 34, page 124.

Page 77.—Section 5 to be found on this page is repealed. See page 187, section 14.

Page 78.—The clauses of the 14th and 15th Victoria, chapter 51, referred to in section 4 at this page, are reproduced under their respective heads in the 66th chapter, Cons. Stat. Canada, page 1.

Page 84.—The provisions of the 14th and 15th Victoria, chapter 51, mentioned in section 23, are to be found in chapter 66 Cons. Stat. Canada, page 1.

CONSOLIDATED STATUTES OF CANADA

C A P. L X V I.

An Act respecting Railways.

HER Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. APPLICATION OF ACT.

1. Whenever this Act is referred to in citing the same, Name by it shall be sufficient to use the expression, "*The Railway* which it shall be cited." 14, 15 V. c. 51, s. 2.

2. When not otherwise expressed, this and the following Application of sections to the one hundred and twenty-fifth shall apply Act to every Railway authorized to be constructed, by any Act passed since the thirtieth day of August, one thousand eight hundred and fifty-one, or by any Act passed after this Act takes effect, and this Act shall be incorporated with every such Act; and all the clauses and provisions of this Act, unless they are expressly varied or excepted by any such Act, shall apply to the undertaking authorized thereby, so far as applicable to the undertaking, and shall

as well as the clauses and provisions of every other Act incorporated with such Act, form part of such act, and be construed together therewith as forming one act. 14, 15 V. c. 51, s. 1.

What shall be sufficient in making an incorporation of this Act with Special Acts.

3. For the purpose of incorporating this Act or any of its provisions with a Special Act, it shall be sufficient in such Act to enact, that the Clauses of this Act, with respect to the matter so proposed to be incorporated, referring to the same in the word or words at the head of and introductory to the enactment with respect to such matter, shall be incorporated with such Act, and thereupon all the Clauses and provisions of this Act, with respect to the matter so incorporated shall, save in so far as they are expressly varied or excepted by such Act, form part thereof, and such Act shall be construed as if the substance of such Clauses and provisions were set forth therein with reference to the matter to which such Act relates. 14, 15 V. c. 51, s. 3.

Power to construct Railway, &c., to be exercised subject to provisions of this Act.

4. The power given by the Special Act to construct the Railway, and to take and use lands for that purpose, shall be exercised subject to the provisions and restrictions contained in this Act.

Compensation to be made for lands damaged.

5. For the value of lands taken and for all damages to lands injuriously affected by the construction of the Railway in the exercise of the powers by this or the Special Act, or any Act incorporated therewith, vested in the Company, compensation shall be made to the owners and occupiers of, and to all other persons interested in, any lands so taken or injuriously affected. 14, 15 V. c. 51, s. 4.

How compensation to be determined.

6. Unless otherwise specially provided by this Act or the Special Act, the amount of such compensation shall be ascertained and determined in the manner provided by this Act. 14, 15 V. c. 51, s. 4.

2. INTERPRETATION.

Interpretation of words. "The Special Act."

7. 1. The expression "the Special Act," used in this Act, shall be construed to mean any Act authorizing the construction of a Railway, and with which this Act is in manner aforesaid incorporated ;

2. The word "prescribed," used in this Act in reference ^{"Prescribed."} 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;

3. The expression "the lands" shall mean the lands ^{"The Lands."} which by the Special Act are authorized to be taken or used for the purpose thereof;

4. The expression "the undertaking" shall mean the <sup>"The under-
Railway and works, of whatever description, by the Special taking."</sup> Act authorized to be executed;

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:

6. The word "Lands" shall include all real estate, ^{"Lands."} messuages, lands, tenements and hereditaments of any tenure;

7. The word "Lease" shall include any agreement for ^{"Lease."} a lease;

8. The word "Toll" shall include any rate or charge ^{"Toll."} or other payment payable under this Act or the Special Act for any passenger, animal, carriage, goods, merchandise, articles, matters or things conveyed on the Railway;

9. The word "Goods" shall include things of every ^{"Goods."} kind conveyed upon the Railway, or upon Steam or other vessels connected therewith;

10. The expression "Superior Courts" shall mean the <sup>"Superior
Courts."</sup> Courts of Chancery, Queen's Bench and Common Pleas in Upper Canada, and the Superior Court in Lower Canada, as the case may be;

11. The word "County" shall include any union of ^{"County."} Counties, County, Riding, or like division of a County in the Province, or any division thereof into separate Municipalities in Lower Canada;

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)
 "Highways."

12. The word "Highways" shall mean all public roads, streets, lanes, and other public ways and communications ;

"Sheriff."

13. The word "Sheriff" shall include Under Sheriff, or other legal competent Deputy ; 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," shall in such case be construed to mean the Sheriff or Clerk of the Peace of the District, County, Riding, Division, or place 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, County, Riding, Division, or place, the same expression shall be construed to mean the Sheriff or Clerk of the Peace of any such District, County, Riding, Division or place where any part of such lands are situate ;

"Clerk of the
 Peace."

"Justice."

14. The word "Justice" shall mean Justice of the Peace acting for the District, County, Riding, Division, City or place where the matter requiring the cognizance of a Justice arises, and who is not interested in the matter ; and where the matter arises in respect of lands being the property of one and the same party, situate not wholly in any one District, County, Riding, Division, City or place, the word "Justice" shall mean a Justice acting for the District, County, Riding, Division, City or place 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" shall be understood to mean two Justices assembled and acting together ;

"Two Jus-
 tices."

"Owner."

15. The word "owner" where, under the provisions of 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 any such 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 ;

"The Com-
 pany."

16. The expression "the Company" shall mean the company or party authorized by the Special Act to construct the Railway ;

17. The expression "the Railway" shall mean the Railway and works by the Special Act authorized to be constructed ;

18. The word " clause " shall mean any separate section of this Act, or any other Act therein referred to, distinguished by a separate number ;

19. The word " Shareholder " shall mean every subscriber to or holder of stock in the undertaking, and shall extend to and include the personal representatives of the Shareholder. 14, 15 V. c. 51, s. 7.

3. INCORPORATION.

8. Every Company established under any Special Act shall be a body corporate under the name declared in the Special Act, and shall be invested with all the powers, privileges and immunities 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, as are expressed or included in " the Interpretation Act." 14, 15 V. c. 51, s. 8.

4. POWERS.

9. The Company shall have power and authority :

Firstly. 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 ; 14, 15 V. c. 51, s. 9.

Secondly. 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 ;

Thirdly. No Railway Company shall take possession of, use or occupy any lands vested in Her Majesty, without the consent of the 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