

such forfeiture, in such manner as if such call had been duly paid.

31. The said Company shall be and they are hereby invested 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 for this purpose the said Company, their successors, deputies, agents and assistants shall have the right to enter and go into and upon the lands and grounds of all and every description lying on the said route and general direction as aforesaid, for the purpose of making surveys, examinations or other necessary arrangements for fixing the site of the said Railway; and it shall and may be lawful for the said Company, and their successors, to take and hold so much of the land and other real estate as may be necessary for the laying out, making and constructing, and convenient operation of the said Railway, and shall also have the right to take, remove and use for the necessary construction and repair of said Railway and appurtenances, any earth, gravel, stone, timber or other material on or from the land so taken without any previous agreement with the owner or owners, tenant or tenants of the land in and upon which such survey, examination or other arrangements may be made, or through which the said Railway may be explored, laid out, worked, made, and constructed, or on which materials or other things shall be laid, for the purposes of the said Railway; provided always, that the said land so taken shall not exceed six rods in width except where greater width is necessary for the purpose of excavations or embankment; and when the said Railway shall pass through any woodlands or forests, the said Company shall have the right to fell or remove any trees standing thereon to the distance of six rods from either side of the said Railway, which by their liabilities to be blown down, or from their natural falling, might obstruct or impair said Railway; provided always, that in all cases the said Company shall pay for such lands or estate so taken and used, (in case the owner thereof demand it) such price as the said Company and the owner or respective owners thereof may mutually agree on; and in case the said parties should not agree, then it shall be lawful for the said Company to apply to two of Her Majesty's Justices of the Peace in the County wherein the said land may be situate for a warrant, which warrant shall be in the form set forth in Schedule B to this Act annexed, and shall be directed to the High Sheriff, his deputy, or any constable within the said County, commanding such High Sheriff, deputy or constable to summon a Jury of five disinterested freeholders or occupiers of land in the said County, who shall be sworn to examine the site of the said Railway; and in case the said Railway shall pass through or extend upon any improved lands, or shall occasion the removal of any buildings or fences, then and in all such cases the damage shall be ascertained and assessed by such Jury; provided nevertheless, that the said Jury in assessing the said damages are authorized and empowered, and shall take into consideration the enhancement in value of the land by the passage of the Railway in regard to the increased facilities of access to the different stations and termini of the said Railway, in diminution of the damages; and in cases where the Jury shall assess damages to be paid to the owner or owners of any land over which the said Railway may be laid out, the Justices who issued the warrant shall lay the said assessment before the next annual meeting of the said Company under the authority of this Act, who are hereby required to pay the amount set forth in the said assessment into the hands of the persons for whom such damage may be assessed, within twenty one days next after such annual meeting of the said Company, together with the costs and charges of assessing such damages, which shall be agreeable to the scale in Schedule C of this Act; and in default of such payment, it shall and may be lawful for the said Justices, or either of them, (in case of the absence or death of the other) at the instance of the said party or parties to whom such damages are payable by warrant under the hands and seals of the said Justices, or one of them, (in case aforesaid) to levy the same with costs by

distress and sale of the goods and chattels of the said Company; provided also, that nothing in this Act contained shall be construed to affect the rights of the Crown in any ungranted lands within this Province, or to authorize the said Company to enter upon or take possession of any such land without the previous permission of the Executive Government of the Province.

32. When the said Company shall take any land or estate of any body corporate, aggregate or sole, guardians, committees, executors or administrators, or other trustees whatsoever, held for or on behalf of those whom they represent, whether corporations, idiots, infants, lunatics, feme covert, persons deceased or beyond the seas, or other person or persons whatsoever who are or shall be possessed of or interested in the said land or estate, the respective contracts or agreements and sales of the said corporation, guardians, committees, executors, administrators, or other trustees whatsoever, shall be valid and effectual in law to all intents and purposes whatsoever, and their respective receipts shall be good and valid releases and discharges therefor; and it shall be lawful for them respectively to agree and settle with the said Company for damages (if any) by reason of taking such land or estate aforesaid; and in case of disagreement such damage to be ascertained and settled as provided by the thirty first Section of this Act.

33. If said Railroad shall in the course thereof cross or partly cross any navigable river or stream, the said Corporation are hereby authorized and empowered to erect for their sole and exclusive travel on the said Railroad, a bridge across or partly across each of the said rivers or streams, provided such bridge or bridges or other erections shall be so constructed as not necessarily to obstruct or impede the navigation or use of such river or waters.

34. The said Company, their superintendents, engineers, agents, and workmen, may enter upon the land adjoining said Railway, and from thence take and carry away any timber, stone, gravel, sand, and earth, or material necessary for the construction of the said Railway; and in case of any slip happening or being apprehended to any cutting, embankment, or other work belonging to said Railway, the said agent and workmen shall at all times hereafter have full egress and regress into and upon such adjoining lands, for the purpose of repairing and preventing such accident, and to do such works as may be necessary for the purpose; provided always, that such works shall be as little injurious to the said adjoining lands as the nature of the operations will admit of, and shall be executed with all possible dispatch; in all which cases the damages incurred, if the parties cannot agree, shall be ascertained and paid in like manner in all respects as provided for in the thirty first Section of this Act.

35. The said Company at their own proper costs and charges shall erect and maintain, on each side of the said Railway, sufficient fences wherever the same may be necessary, in order to protect the public, or wherever any cleared or cultivated land occurs on the line of the said Railway; and for neglect or failure to erect and maintain such necessary fences, the said Company shall be liable to be indicted at any Court of Oyer and Terminer for the County where such fences shall be insufficient, and to be fined in such sum as shall be then and there adjudged, and such fine shall be expended for the erection or repair of such fences, and for compensation of individual damages, as the case may be; and it shall and may be lawful for the Justices of said Court of Oyer and Terminer to make such order for levying the said fine, on the property of the said Company or otherwise, as to them shall seem most proper to the exigencies of the case, which said fine shall be exclusive of any claim for damages which any party may sustain by any such neglect or failure as aforesaid.

36. Whenever the said Railway or any of its branches cross or shall hereafter cross any highways, turnpike road, railroad, statute labour or private road, for carriages of any description within this Province, the said Company shall make and maintain good and sufficient gates across each end