

CHAP. 27

An Act to amend the law respecting railways and to provide for the sale of a railway or a section thereof to purchasers not having corporate powers

[Assented to 20th May, 1905]

HIS MAJESTY, with the advice and consent of the Legislative Council and of the Legislative Assembly of Quebec, enacts as follows :

Arts. added
after R. S.,
5208.

1. The following paragraph and articles are inserted in the Revised Statutes after article 5208 :

§ 22a—*Sale of a railway to purchasers not having corporate powers.*

Authority
required by
persons who
acquire rail-
way or section
thereof before
running same.

“5208a. If any railway or section of any railway is sold under the provisions of any deed or mortgage, or at the instance of the holders of any mortgage, bonds or debentures, for the payment of which any charge has been created thereon, or under any other lawful proceeding, and is purchased by any person not having corporate power to hold and operate the same, the purchaser shall not run or operate such railway or section of railway until authority therefor has been obtained under the following provisions.

Application
to Minister of
Colonization
and Public
Works and
what to con-
tain.

“5208b. The purchaser shall transmit to the Minister of Colonization and Public Works, hereinafter called “Minister,” an application in writing stating the fact of such purchase, describing the termini and lines of route of the railway or section of railway purchased, specifying the special act under which the same was constructed and operated, and requesting authority from the Minister to run and operate the railway or section of railway ; and with such application shall transmit a duplicate or authenticated copy of the deed of conveyance of such railway or section of railway, and thereafter such further details and information as the Minister may require.

Power of
Minister upon
such applica-
tion.

“5208c. Upon any such application, the Minister may, if he is satisfied therewith, grant an order authorizing the purchaser to run and operate the railway or section of railway purchased, until the end of the then next session of the Legislature of this Province, subject to such terms and conditions as the Minister may deem expedient ; and thereupon the

purchaser shall be authorized, for such period only, and subject to such order of the Minister, to operate and run such railway or section of railway, and to take and receive such tolls in respect of traffic carried thereon, as the company previously owning and operating the same was authorized to take, and shall be subject, in so far as the same can be made applicable, to the terms and conditions of the special act of the said company.

Powers under authorization when granted.

“5208d. Such purchaser shall apply to the Legislature of this Province at the next following session thereof after the purchase of such railway or section of railway, for an act of incorporation or other legislative authority, to hold, operate and run such railway or section of railway; and, if such application is made to the Legislature and is unsuccessful, the Minister may extend the order to run and operate such railway or section of railway until the end of the then next session of the Legislature, and no longer; and, if during such extended period, the purchaser does not obtain such act of incorporation or other legislative authority, such railway or section of railway shall be closed or otherwise dealt with by the Minister, as may be determined by the Lieutenant-Governor in Council.

Application to be made to Legislature within certain time for authority, &c.

If no application made.

Closing of road.

“5208e. The company may sell to the acquirer of the road or of the section of road, the privileges and franchises which it holds under its charter; and such privileges and franchises shall be subject, as to their exercise, to the rules contained in the preceding provisions, and to the conditions under which they have been obtained.”

Power of company to sell certain privileges, &c., to acquirer of road, &c.

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

Coming into force.

CHAP. 28

An Act to amend the Civil Code respecting articles left unclaimed in the hands of carriers

[Assented to 20th May, 1905]

HIS MAJESTY, with the advice and consent of the Legislative Council and of the Legislative Assembly of Quebec, enacts as follows:

1. The following articles are added after article 1682 of the Civil Code:

Arts added after C. C., 1682.

“1682a. Paragraphs 4, 5 and 6 of article 5172 of the

Unclaimed goods.