

Effect of such registration,

Such registration shall be deemed to be valid in law, any statute or provision of law to the contrary notwithstanding, and it shall, with respect to rights of ownership, servitudes, hypothecs and real rights, have the same effect as the registration prescribed by the Civil Code.

When road to be commenced and completed.

24. The construction of the said railway shall be commenced within five years, and be completed within seven years from the coming into force of the present act.

SCHEDULE A.

DEED OF SALE.

Know all men, by these presents, that I, A. B., of _____, in the county of _____, for and in consideration of the sum of _____, to me paid by The Leeds Central Railway Company, which I acknowledge to have received, grant, bargain, sell and convey unto the said Leeds Central Railway Company, all that tract or parcel of land (description of the property), the same having been selected and laid out by the said company for the purposes of its railway, to have and to hold the said lands and premises unto the said company, its successors and assigns forever.

Witness _____ hand _____ at _____, this _____ day of _____, one thousand eight hundred and _____

Signed and delivered in the presence of } A. B. C. D. E. F.

CAP. LXIV.

An Act to incorporate The Sherbrooke Street Railway Company.

[Assented to 21st December, 1895.]

reamble

WHEREAS a petition has been presented praying for the incorporation of a company to construct and operate a street railway in the city of Sherbrooke and elsewhere in the district of Saint Francis, and to conduct other business

and operations in connection therewith and incidental thereto as hereinafter set forth, and it is expedient to grant the prayer of the said petition ;

Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

1. James Simpson Mitchell, Frank Charles Thompson, Richard Dalby Morkill, the younger, Francis Pierce Buck, William Farwell and Walter Blue, all of the city of Sherbrooke ; Rufus Henry Pope, of the town of Cookshire, and William Morris and Alexander Ames, both of the village of Lennoxville, all in the Province of Quebec, together with such other persons as become shareholders of the company hereby incorporated, are constituted a body corporate under the name of "The Sherbrooke Street Railway Company," hereinafter called "the company."

Persons incorporated.

Name.

2. The head office of the company shall be in the city of Sherbrooke.

Head office.

3. The company may lay out, construct, equip, maintain and operate a single or double track street railway, with all necessary switches, side tracks and turn outs for the passage of cars, carriages and other vehicles upon and along the streets, roads, lanes, squares, bridges and public places, and upon the lands acquired for that purpose, both in the city of Sherbrooke and outside the limits thereof, but not extending beyond the limits of the district of Saint Francis ; and may carry passengers, baggage, freight and Her Majesty's mails thereon by animals, electricity, or compressed air, or by such other motive power, except steam, as the company, from time to time, deems expedient, (except that during the period of winter, the company may substitute sleighs drawn by horses) ;

Power to lay out, &c., certain line of street railway,

To carry passengers, baggage, &c.;

Proviso.

The company may acquire and use water-powers, and establish and operate works for the supply of electrical or other power, light and heat ; construct, erect and maintain all necessary buildings, stations, machinery, appliances and conveniences for the purposes of such railway and works, including the erection, placing and maintaining of tubes, poles and wires under, upon and over any and all streets, roads, and lands, as well where the company deems it expedient to run its railway, as elsewhere for the carrying on of the business of the company ; lease and acquire from any other company or person all necessary power, light and heat ; construct, maintain and operate telegraph and telephone lines for its own use only over the whole course of its road, and enter into any contract or contracts with any other company for the establishment and operation of telegraph and telephone lines, and for the use in common

Power to acquire, &c., water-powers, &c., construct buildings, &c.;

Construct and operate telegraph and telephone lines, &c. ;

- with any other company of any poles, wires and appliances of the company, or of any other company; acquire lands, and build bridges over the Saint Francis and other rivers.
- Acquire lands, &c.
Build bridges.
Consent of municipalities required in certain cases. The company shall not exercise any of the powers hereby conferred upon it in, over and upon any parts of the streets, lanes and roads of any municipalities without first obtaining the consent thereto of the municipal council, granted, at a meeting specially called to consider the matter, upon a vote in the affirmative of at least two-thirds of the whole number of councillors of the municipality.
- Company may make, &c., electricity for heating, &c. The company may also make, generate and deal in electricity for heating, power and illuminating purposes in the municipalities situated within a radius of five miles from its roads, except in the city of Sherbrooke and village of Lennoxville.
- First directors. **4.** The persons named in the first section of this act shall be the first and provisional directors of the company.
- Capital stock, shares and calls. **5.** The capital stock of the company shall be fifty thousand dollars, divided into shares of one hundred dollars each. Calls upon shares may be made by the directors, from time to time, as they deem necessary; but no one call shall exceed ten per cent. on the shares subscribed.
- Annual general meeting. **6.** The annual general meeting of the shareholders shall be held on the first Monday in December in each year.
- When first meeting for election of directors to be called. Notice therefor. **7.** So soon as ten thousand dollars of the capital stock have been subscribed and ten per cent. thereon paid up, the provisional directors shall call a meeting of the shareholders for the purpose of electing directors, first giving two weeks' notice of such meeting by advertisement in two newspapers published in the city of Sherbrooke, of which one in the English language, and the other in the French.
- Election of directors thereat. **8.** At such meeting the subscribers for the capital stock assembled who have paid all calls due on their shares shall choose not less than three nor more than nine persons to be directors of the company, one or more of whom may be paid.
- Increase of capital stock by by-law. **9.** The directors of the company may, after the whole capital stock of the company has been taken up and fifty per cent. thereon paid in, from time to time, make a by-law or by-laws for increasing the capital stock of the company to any amount which they consider requisite for the due carrying out of the objects of the company.

2. Such by-law or by-laws shall declare the number of the shares of the new stock, and may prescribe the manner in which the same shall be allotted; and, in default of so doing, the control of such allotment shall vest absolutely in the directors.

Contents of
by-law.

3. No such by-law shall have any force or effect whatsoever, until it is approved by the votes of shareholders, representing at least two-thirds in value of all the subscribed stock of the company, at a special general meeting of the company duly called for considering the same.

Approval of
by-law.

10. The directors may, when authorized by a by-law for that purpose, passed and approved of by the votes of shareholders, representing at least two-thirds in value of the subscribed stock of the company, at a special general meeting duly called for considering the by-law:

Directors,
when duly
authorized,
may:

(a.) Borrow money upon the credit of the company, and issue bonds, debentures or other securities for any sums borrowed at such prices as are deemed necessary or expedient; but no such debentures shall be for a less sum than one hundred dollars;

Borrow mon-
ey and issue
bonds, &c.;

(b.) Hypothecate or pledge the real or personal property of the company to secure any sums borrowed by the company; but the amount borrowed shall not, at any time, be greater than seventy-five per cent. of the actual paid-up stock of the company, and the limitation made by this section shall not apply to commercial paper discounted by the company.

Hypothecate,
&c., property
of company.

Proviso.

11. The company may enter upon and acquire, by purchase or otherwise, any lands which may be proper for the purposes of its railway, such lands not being more than one chain in width when required for right of way, nor more than five acres in extent in any one place when required for the erection of buildings of any kind; and the company shall, in the exercise of the powers by this section granted, do as little damage as possible, and shall make full compensation to all persons interested for any damage by them sustained by reason of the exercise of such powers; and such compensation, in case of disagreement, shall be settled in the same manner as is provided for fixing compensation under the statutory provisions respecting railways; and the powers of expropriation of the company shall be exercised subject to the provisions of the Revised Statutes respecting railways; but the power of expropriation shall not apply to municipal property.

Power to en-
ter upon and
acquire lands.

Law respect-
ing railways
to apply to
expropria-
tions.

Municipal
property not
to be expro-
riated.

12. The vehicles of the company shall have the right to use the tracks of the company as against all other vehicles

Privilege of
company in
use of tracks.

whatever ; and all other vehicles, using the said tracks, shall turn out of the said tracks and permit the vehicles of the company to pass, and shall, in no case and under no pretence whatever, obstruct or hinder the passage on and the free use of the said tracks by the vehicles of the said company.

Fares and penalty on persons refusing to pay fare.

13. The fare shall be due and payable by every passenger on entering a car ; and any person, who refuses to pay the fare when demanded by the conductor or driver, shall, on summary conviction thereof before a justice of the peace, be liable to a fine of not more than twenty dollars.

Exclusive privilege may be granted to company by certain municipalities.

14. The municipal council of the city of Sherbrooke, of the village of Lennoxville, and of any other municipality through which the said railway passes, may, subject to the provisions of this act, give and grant to the company the exclusive rights to build and operate such a railway within the limits of such municipality for any period of time not exceeding forty years ; subscribe for and hold shares in the capital stock of the company ; make and give grants of money or land, exemptions from all taxes and assessments, bonuses, loans and other benefits and advantages ; pledge the credit of the municipality in order to guarantee the payment of any bonds to be issued by the company, or any loan made to the company ; and make with the company such agreements, contracts and deeds as they may deem advisable. But this section and the other sections of this act are declared to be subject to section 88 of the charter of the city of Sherbrooke, (55-56 Victoria, chapter 51) and to any similar provisions of the Municipal Code or the Revised Statutes respecting town corporations.

Certain provisions of 55-56 V., c. 51, s. 88, and Municipal Code, and Revised Statutes respecting town corporations apply.

Certain agreement may be made with company by certain municipalities.

15. The municipal council of the city of Sherbrooke, and of any municipality through which the said railway shall be constructed, may, subject to the provisions of this act, and within the limits of the powers of such councils, make and enter into any agreement with the company relating to the construction of the said railway, for the payment of compensation by the company, for the use of the municipal roads, streets, lanes and bridges, for the paving, macadamizing, repairing and grading of the streets or highways, and the construction, opening and repairing of drains or sewers, the laying of gas- and water-pipes, and the placing of poles and wires in the said streets and highways, the location of the railway, the lighting of its road and the particular streets along which the same shall be laid, the pattern of the rails, the time and speed of running the cars, the amount of fares to be paid by passengers and the rates to be paid on freight, the time within which the works

are to be commenced, the manner of proceeding with the same and the time for completion, and generally for the safety and convenience of passengers.

But any arrangement, by which the use of the municipal roads, highways, streets, lanes or bridges is granted for the purposes of the railway, shall be subject to the condition that all damages arising from the building and operating of the railway, or which shall be caused by the agents, servants or workmen of the company in constructing, carrying out or maintaining any of the company's works, shall be payable by the company, its successors and assigns. Proviso.

16. The municipal council of the city of Sherbrooke, or of any other municipality through which the said railway passes, may pass by-laws, and amend and repeal the same, for the purpose of carrying into effect any such agreements; and such by-laws may contain all necessary clauses, provisions, rules and regulations for the conduct of all parties concerned, and for enjoining obedience to such by-laws, for facilitating the running of the company's cars, and for regulating the traffic in and conduct of all persons travelling upon the streets and highways through which the said railway passes. By-laws to be made to carry out such arrangement, and contents thereof.

17. The company may enter into agreements, with any person or company having right and authority to construct or operate a street railway in the said city of Sherbrooke, for conveying or leasing to such person or company the street railway of the company hereby incorporated, in whole or in part, or any rights or powers acquired under this act, as also the surveys, plans, works, plant, material, machinery and other property to it belonging, or for leasing, hiring, or purchasing the plant and rolling-stock of such person or company, or for running arrangements over the railway of such person or company, or for running arrangements by such person or company over the street railway of the company. Company may lease, &c., its road and franchise, &c.,
Or lease the plant, &c., of other companies.

18. Such arrangements may be on such terms and conditions as are agreed upon and subject to such restrictions as to the directors seem fit; provided that any such agreement has been first sanctioned by two-thirds of the votes at a special general meeting of the shareholders duly called for the purpose of considering the same, at which meeting shareholders representing at least two-thirds in value of the stock are present in person or represented by proxy, and provided that such agreement has also received the approval of the Lieutenant-Governor in Council. Terms of such arrangements.
Approval by shareholders, and
By Lieutenant-Governor in Council.

2. Such approval shall not be signified until after notice of the proposed application therefor has been published for approval. Notice of application for approval.

two months in the *Quebec Official Gazette*, and also for a like period in two newspapers, one in the English, and one in the French language, in the city of Sherbrooke.

Joint Stock
Co.'s General
Clauses Act
to apply.

19. The Joint Stock Companies' General Clauses' Act shall, except in so far as it is inconsistent with any of the provisions hereof, form part of this act.

Revised Stat-
utes respect-
ing railways
not to apply.

20. Except as hereinabove provided, the provisions of the Revised Statutes respecting railways shall not apply to the company.

Powers to
cease, if rail-
way not com-
menced, &c.,
within certain
time.

21. If the construction of the railway is not commenced, and twenty per cent. of the authorized capital expended thereon, within two years after obtaining a franchise from the municipal council of the city of Sherbrooke,—the application for which must be made within six months from the date of passing of this act,—and if three miles of railway are not completed and in full operation within three years from that delay, then the powers granted by this act shall cease.

Coming into
force.

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

C A P. L X V .

An Act to authorize the trustees of the Montreal turnpike roads to redeem certain debentures and, for that purpose, to issue a new series of debentures.

[Assented to 21st December, 1895.]

Preamble.

WHEREAS the trustees of the Montreal turnpike roads have, under the authority of the following acts, to wit: 3 Victoria, chapter 31, 4 Victoria, chapter 7, and 9 Victoria, chapter 67, issued bonds to the amount of one hundred and eighty-seven thousand two hundred dollars, bearing interest at the rate of six per centum per annum, payable half-yearly, on the fifth day of January and fifth day of July in each year, dated the first of September, eighteen hundred and fifty-three, and matured on the first of September, eighteen hundred and seventy-three;

Whereas interest has been due and unpaid upon certain of the said bonds, amounting to the sum of one hundred and twenty thousand dollars, since the fifth of July, eighteen hundred and eighty-one, and on the remainder of the said bonds, to wit: sixty-seven thousand two hundred dollars, since the fifth of July, eighteen hundred and seventy-one;