

Company, or any other person, for, or on behalf of the Company, by its name of the "Imperial Fire Insurance Company," shall be good and valid, to all intents and purposes, and shall and may be put in suit and be sued upon in the name of the Company, without naming all, or any of the proprietors, or members thereof, as if the Company had been incorporated by such name.

4. The trust moneys, securities, and moveable and im- Trust moneys &c., to be held for company. moveable property of the Company, which now belong to the Company in this Province, and which have been acquired, or taken in the name of the present or any former trustees, directors or officers of the Company, or which may hereafter belong to or be acquired or obtained, within this Province, by trustees or others on behalf of the Company, shall be held by said trustees or other persons in trust for the Company, by force of this act and by virtue of their appointment.

5. For the avoidance of doubts, it is declared that the Power of company to hold real estate to certain amount. Company may lawfully hold and possess real estate within the Province of Quebec to the value of not exceeding twenty thousand dollars *per annum*, whether already acquired or which it may hereafter acquire, either in its own name, or by trustees on its behalf.

6. Nothing in this act contained shall extend, or be Declaratory provision. deemed construed or taken to incorporate the Company, or to relieve or discharge the Company, or any of the proprietors thereof, or subscribers thereto, from any responsibility, duties, contracts or obligations whatsoever, which by law they now are, or at any time hereafter, may be subject, or liable to, either between the Company and others, or between the individual proprietors of the Company or any of them, and others or amongst themselves, or in any manner whatsoever.

7. This act shall come into force on the day of its sanc- Coming into force. tion.

C A P . L X V I .

An Act to facilitate the cancelling and discharge of hypothecs granted by railway companies in certain cases.

[Assented to 18th May, 1887.]

WHEREAS by the act 40 Victoria, chapter 16, it is Preamble. enacted that if any land is taken for the line of a railway through any locality for which the cadastral plans have been completed, it shall be the duty of the railway

company to deposit in the office of the Commissioner of Crown Lands a plan showing the land chosen for the line ; whereas it is further enacted that if the plan is found correct by the Commissioner of Crown Lands, there is given to the land forming such line of railway in each locality an official number to be its designation under the provisions of article 2168 of the Civil Code, and the lot so formed is entered in the book of reference in accordance with the provisions of article 2167 of the same Code ; and whereas the railway companies have neglected and neglect to conform to the requirements of the said statute and it is proper that they should be constrained so to do.

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

Sections added to 40 V., c. 16. Amendment of plans deposited in registry offices and transmission thereof to registrar where line of railway is situated. Renewal of charges in certain cases.

1. The following sections are added after section 3 of the act 40 Victoria, chapter 16 :

“3a. After a cadastral plan and book of reference have been amended by the Commissioner of Crown Lands, in accordance with the provisions of section 1 of this act, he shall procure and amend a copy of such plan and book of reference deposited with the registrars in accordance with the original, and after such amendment shall forward them to the registrars of the various registration divisions in which the line of railway is situated.

3b. If entries or charges have been made against the old numbers or original lots from which the land for the railway line was taken, for obligations created by the proprietors of the road, it shall then be the duty of the company, person or corporation working, under whatsoever title, a railway or part of a railway within the limits of this Province through localities for which the cadastral plans have been completed, to cause to be renewed, according to law, at the cost of such company or its representatives, such charges, privileges and hypothecs against the official numbers given by the amended cadastral plan.

Signature of renewal notices.

3c. It shall be the duty of the hypothecary creditors of the railway company to act with such company in signing the renewal notice if necessary, and in default of so doing, upon demand of any party interested, and upon the order of a judge of the Superior Court, they may be thereto compelled and thenceforward shall be responsible for all damages arising therefrom.

Effect of renewal notices.

3d. Renewal notices shall have the effect of cancelling and discharging, upon the deposit thereof in conformity with the act 42-43 Victoria, chapter 27, the entries made upon the old lots or original numbers, in respect of the said entries corresponding to the charges, privileges and hypothecs consented to by the railway company and which should affect only its own lots ; provided such notices, so previously registered, be deposited in the terms of article

Proviso.

2152 of the Civil Code and its amendments, and the registrar shall make all necessary entries in his registers for the above mentioned purposes, under the penalty of all damages.

3e. After the cancelling shall have been effected as aforesaid, the registrar shall no longer mention in certificates any entries and charges so cancelled upon the remaining portion of any of the old numbers or original lots from which the line of railway was taken. ” Duties of registrar after cancelling.

2. Railway companies holding their charter from the Legislature of this Province, or other companies possessing a railway in operation within the limits of this Province, or any person or corporation now working in whole or in part any railway in a district for which cadastral plans have been completed, shall be bound to comply with the provisions of the act 40 Victoria, chapter 16, within two months after the coming into force of this act, and in default of so doing, they shall be liable to a penalty of one hundred dollars for each day upon which they neglect to comply with the provisions of the said act, over and above the damages caused to individuals, who desire to make good such negligence. Railway companies to comply with act 45 V., c. 16, within two months. Penalty for default.

3. In default of the railway company proceeding to the renewal of the hypothecs and to the cancellation of the charges upon the old lots in conformity with the provisions of sections 3c, 3d and 3e added by this act to the act 40 Victoria, chapter 16, within the delay of two months after the coming into force of this act, such railway company or its assigns shall be liable to the penalty imposed by the preceding section. Penalty for default in making renewals &c., procuring discharges.

4. Such penalty may be recovered before any court of competent civil jurisdiction by means of a popular or *qui tam* action; and it may be brought before the court of the domicile or of the place of business of the party defendant or before the court of the place where are situated the lots in respect of which the party defendant is in default. Recovery of penalty.

5. One half of the penalty shall belong to Her Majesty, for the public uses of this Province, and the other half to the prosecutor. Application of penalty.

6. After the two months following the coming into force of this act, any party interested may, in addition, demand by means of a summary petition addressed to the court or a judge of the Superior Court of the district in which the petitioner's immovable property lies, an order enjoining the railway company or its assigns to proceed without delay to the renewal of the hypothecs and to the discharge and cancelling thereof upon the petitioner's lot, as required by Power of parties interested to require the renewal, &c., of mortgages, &c.

section 3b added by this act to the act 40 Victoria, chapter 16, and that in default of so doing within a reasonable delay fixed by the court or the judge, the petitioner be authorized to proceed in place of the company, the whole at the costs and charges of the latter.

CAP. LXVII.

An Act to incorporate the Iberville, Dunham and Clarenceville Railway Company.

[Assented to 18th May, 1887.]

Preamble.

WHEREAS the construction of a railway as hereinafter described would be of great benefit to that portion of the Province through which it would pass and the vicinity thereof, and whereas a petition has been presented, praying for the passing of an act to incorporate a company authorized to construct such railway, and whereas it is expedient to grant the prayer of such petition ;

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

Persons in
incorporated.

1. George A. Ayer of St. Albans, Vermont, contractor, George A. Mountain of Ottawa, engineer, George Nelson Clark, William Mead Pattison, both of Clarenceville, Julien Lamoureux fils of Saint Sébastien, François Lafond and Louis H. Trudeau of Saint George de Henryville, Stephen H. Jones of Saint Athanase, together with such other persons or corporations as may hereafter become shareholders in the company hereby incorporated, shall be and are hereby constituted a body politic and corporate under the name of the "Iberville, Dunham and Clarenceville railway company."

Name.

Power to
build certain
railway.

2. This company is vested with all the rights and privileges necessary for constructing and running a railway from a point on the line of the projected extension of the Canada Atlantic Railway to the province line, in the parish of Saint Thomas in the county of Missisquoi, and passing through the parishes of Saint Thomas and Saint George de Clarenceville, in the county of Missisquoi, continuing through the parishes of Saint George de Henryville, Sabrevois, Saint Athanase and Saint Alexander, in the county of Iberville, to some point on the line of the Montreal and Vermont Junction Railway Company, at or near Saint Alexander or at or near Stanbridge Station, in the township of Stanbridge, thence continuing through the latter township, as far as the village of Dunham Flats or any other place in the township of Dunham.