

the counties of Bellechasse and Dorchester, which lies in the township of Buckland, and whereas it is expedient that all occasion of such doubts and difficulties be removed; Her Majesty, by and with the advice and consent of the Legislature of Quebec, declares and enacts as follows:

1. That part of the line of division between the counties of Bellechasse and Dorchester, which lies in the township of Buckland, is and always has been as described in the terms following, that is to say: Beginning at a point on the South-West outline of the said township of Buckland, where the said outline is intercepted by the line of division between lots Nos 20 and 21, in the first range of the said township; thence, along the line of division, between lots Nos. 20 and 21, in the first, second, third, fourth and fifth ranges, Northeastwardly, to the Northerly outline of the said township; thence, along the said Northerly outline, Eastwardly, to the range line between the sixth and seventh ranges; and thence, along the said range line, which is the line of division between the parishes of St. Malachie and Notre Dame Auxiliatrice of Buckland, Southeastwardly to the South-east outline of the said township of Buckland.

Division line again described.

2 So much of the 42nd and 44th sections of the act chap. 75 of the Consolidated Statutes for Lower Canada, as is inconsistent with the foregoing description, is hereby repealed.

Inconsistent provisions, repealed.

C A P . L .

An Act to amend the Act of Incorporation of the "St. Lawrence and Industry Village Railroad Company."

[Assented to 31st October, 1879.]

WHEREAS the St. Lawrence and Industry Village Railroad Company have, by their petition, prayed that the Act of the Legislature of the late Province of Canada, passed in the session thereof holden in the tenth and eleventh years of Her Majesty's reign, intituled: "An Act to incorporate the St. Lawrence and Industry Village Railroad Company," be amended, and whereas it is expedient to grant the said petition; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

Preamble.

S. 1 of act of
inc., amended.

1. The first section of the said act is hereby amended :
By striking out, in the twenty sixth and twenty seventh
lines thereof, the words: "The St. Lawrence and
Industry Village Railroad Company," and substituting
therefor the following: "The Joliette Railway Com-
pany;"

By striking out in the forty fourth line thereof the
words: "The St. Lawrence and Industry Village Rail-
road," and substituting therefor the following: "The
Joliette Railway;"

By adding at the end of the said section the following
sub-sections :

Power to
extend the
road.

"The said Company shall also have power and autho-
rity to extend their said road from a point at or near
its actual terminus, in the Town of Joliette, heretofore
known as the Village of Industry, in the District of
Joliette, and to or in the direction of St. Gabriel de
Brandon, in the District of Richelieu; and to construct,
maintain and work such branches, in the same manner
as the part of the said road already constructed, saving
the modifications established by this act.

Power to sell
or lease.

The said Company shall also have power and au-
thority to sell or lease their said railway; to purchase or
rent any other railway connecting with theirs, at such
terms and conditions as may be deemed advisable; to
make with any other railway, or navigation company,
such traffic arrangements as may be found necessary and
according to law.

Power to
subscribe to
stock of other
companies.

The said Company shall also have power and au-
thority to subscribe to the capital stock of any railway or
navigation company, provided that such subscription
be decided upon at a general meeting of the members of
the said Company, and that it be made in such manner,
in such conditions and for such shares, as shall be deter-
mined by the said general meeting.

Principal
office.

The principal office of the company will be in the
said Town of Joliette."

S. 3 of said
act, amended.

2. The third section of the said act is hereby amended,
by striking out, in the third line thereof, the words:
"whatever be the angle at which such line shall intersect
the said highway," and substituting therefor, the follow-
ing: "unless leave has been obtained from the proper
municipal or local authority for such purpose."

S. 4,
amended.

3. The fourth section of the said Act is hereby amend-
ed by striking out all that part thereof following the
words: "such map or plan," in the eleventh line of
said section, and by substituting therefor the following
sub-section:

“The said map or plan and book of reference shall be examined and certified by the Commissioner of Agriculture and Public Works or his deputy, and a duplicate thereof so examined and certified, shall be deposited in the office of the Department of Public Works, and the said Company shall be bound to furnish copies of such map or plan and book of reference, or such parts thereof as relate to each district through which the railway is to pass, to be deposited in the office of the clerks of the peace for each of such districts respectively; such map or plan and book of reference so certified, or a true copy thereof, certified by the Commissioner of Agriculture and Public Works, or by the clerks of the peace, shall be received as evidence in every court of law and elsewhere.”

Deposit of maps and plans, &c.

4. The fourteenth section of the said Act is hereby repealed, and the following substituted in lieu thereof: “So soon as the said map or plan and book of reference, shall have been deposited as aforesaid, and notice of its being so deposited shall have been given, during at least one calendar month, in at least one newspaper, if there be any, published in each of the districts through which the railway is intended to pass, it shall be lawful for the said Company, to apply to the several owners of, or parties hereby empowered to convey the lands through which such Railway is intended to pass, or which may suffer any damage from the taking of materials, or the exercise of any of the powers granted to the said Company by this Act, and to agree with such owners respectively, respecting the compensation to be paid to them by the said Company for the purchase thereof, and for their respective damages and to make such agreements and contracts with the said parties, respecting the said lands, or the compensation to be given for the same, or for the damages, or as to the mode in which the amount of the said compensation shall be ascertained, as such parties and the said Company shall deem expedient; and in case of disagreement between the said Company and the said owners or parties, or any of them, then all questions which shall arise between them and the said Company, shall be settled as follows, to wit:

S. 14, amended.

§ 4. Purchase of land for use of road.

Compensation.

The deposit of the map or plan and book of reference, and the notice of such deposit, given as aforesaid, shall be deemed a general notice to all such parties as aforesaid, of the lands which will be required for the said Railway and works.

Settlement of difficulties, or that point.

The Company shall serve a notice upon the opposite party, containing a description of the lands to be taken, or of the powers intended to be exercised with regard to

Notice to opposite party. Its contents.

any land, giving a description thereof, a declaration that the company are ready to pay a certain sum or rent, as the case may be, as compensation for such lands and for the damages arising from the exercise of such powers, and the name of a person whom they appoint as their arbitrator, if their offer be not accepted ; and such notice shall be accompanied by the certificate of some sworn land surveyor for the province of Quebec, residing in the district of Joliette, or in an adjoining district, being a disinterested party, and not being the arbitrator named in the notice, stating that the land, (if the notice relate to the taking of the land,) is shown in the map or plan deposited as aforesaid, as being required for the said Railway and works, or as being within the line of deviation hereby allowed from the line of the said Railway, that he knows such land or the amount of damages likely to arise from the exercise of such powers, and that the sum so offered is, in his opinion, a fair compensation for such land and for such damages as aforesaid.

If opposite party is absent.

If the opposite party be absent from the district in which the lands lie, or be unknown, then, upon application to the judge of the Superior Court residing in the district, accompanied by such certificate as aforesaid, and by an affidavit of some officers of the Company, that the opposite party is so absent, or that, after diligent inquiry, the party on whom the notice should have been served could not be found, such judge shall order that the notice as aforesaid (but without the certificate), to be inserted three times in the course of one month, in some newspaper published in the district, or if there be no newspaper published therein, then in a newspaper published in some adjacent district ; but if the competent judge is interested in any lands taken or required by the company, any other judge of the Superior Court in the province, shall, on the application of the Company, exercise in such case, all the powers given by this section, to the resident judge in cases in which he is not interested.

Appointment of sworn surveyor if opposite party names no arbitrator.

If, within ten days after the service of such notice, or within one month after the first publication thereof, the opposite party does not give notice to the Company, of his acceptance of the sum offered by them, or does not give them the name of a person whom he appoints as arbitrator, then the judge may, on the application of the Company, appoint a sworn land surveyor for the province, to be sole arbitrator for determining the compensation to be given by the company as aforesaid.

If arbitrator is named.

If the opposite party shall, within the time aforesaid, notify the said Company, of the name of the person, such party shall appoint as arbitrator, then the said two arbitrators shall jointly appoint a third, or if they cannot

agree upon a third, then the judge shall, on application of the said party, or of the Company (previous notice of at least one clear day having been given to the other party), appoint a third arbitrator.

The said arbitrators, or any two of them, or the sole arbitrator being sworn before one of the commissioners for receiving affidavits to be used in the Superior Court, faithfully and impartially to perform the duties of their office, shall proceed to ascertain the amount of compensation to be given by the Company, in such manner, as he or they, or a majority of them, shall deem best, and the award of such arbitrators, or of any two of them, or of the sole arbitrator, shall be final and conclusive, provided that no such award shall be made or any official act be done by such majority, except at a meeting held at a time and place of which the third arbitrator shall have had at least one clear day's notice, or at such time and at such place to which some meeting at which the third arbitrator was present, shall have been adjourned; but no notice to the Company or opposite party, shall be necessary, and they shall be held to have been sufficiently notified through the arbitrator they shall have appointed or whose appointment they shall have applied for.

Provided always that the award given by any sole arbitrator, shall never be for a smaller sum than that offered by the Company as aforesaid; and if, in any case where three arbitrators shall have been appointed, the sum awarded be not greater than that offered by the Company, the costs of the arbitration shall be borne by the opposite party, and be deducted from the compensation, otherwise they shall be borne by the said Company, and in either case they may, if not agreed upon, be taxed by the judge.

The arbitrators or a majority of them, or the sole arbitrator, may examine on oath, or solemn affirmation, the parties or such witnesses as shall voluntarily appear before him or them, and may administer such oath or affirmation; and any wilfully false statement made by any witness or party, under such oath or affirmation, shall be deemed wilful and corrupt perjury and be punishable accordingly.

The judge by whom any third arbitrator or sole arbitrator, shall be appointed, shall, at the same time, fix a day on or before which the award shall be made, and if the same be not made on or before such day, or some other day to which the time for making, it will have been extended, either by the consent of the parties, or by the order of the judge, as it may be for reasonable cause shown, on the application of such sole arbitrator, or of

Proceedings
of arbitrators.

Proviso.

Powers of
arbitrators.

Third
arbitrator.

one of the arbitrators, after one clear day's notice to the others, then the sum offered by the Company as aforesaid, shall be the compensation to be given by them.

If the latter dies.

If the party appointed by the judge as third arbitrator or sole arbitrator, die before the award be made, or refuse to act or fail to act within a reasonable time, then, upon the application of either party, the judge, being satisfied of the fact by affidavit or otherwise, may, in his discretion, appoint another in his stead; and if the arbitrator appointed by the said Company or by the adverse party, die before the award shall be made, or leave the province, or become unable to act within a reasonable time, the judge being satisfied of that fact by affidavit or otherwise, may, upon application, after one clear day's notice, authorize the said Company, or the opposite party, as the case may be, to appoint another in his stead, notifying the other arbitrators of such appointment, but no re-opening or repetition of prior proceedings shall be required.

Desisting of company from notice.

The Company may desist from such notice as aforesaid, and afterwards give new notice with regard to the same or other lands to the same or other party, but they shall, in any such case, be liable to the party first notified, for all damages or costs by him incurred in consequence of such first notice and desistance, and no change of owner, after the notice, shall affect the proceedings, but the party notified shall be still deemed the owner, except as to the payment of the sum awarded.

Surveyor, not disqualified for certain reasons.

It shall be no disqualification of the Surveyor or other person offered or appointed as valuator, or as arbitrator, that he be professionally employed by the Company, or by the opposite party, or that he has previously expressed an opinion, as to the amount of compensation, or that he be related or of kin to any member of the said Company, provided he be not himself personally interested in the amount of such compensation; and no cause of disqualification shall be urged against any arbitrator appointed by the judge, after his appointment, but all the objections, thereto in such case, shall be raised previously to the same, and its validity or invalidity summarily determined by the Judge; and no cause of disqualification shall be urged against any arbitrator appointed by the Company; or by the opposite party, after the appointment of a third arbitrator; and the validity or invalidity of the objections as to disqualification urged against any such arbitrator, before the appointment of a third arbitrator, shall be summarily determined by the judge, on the application of either party, after one clear day's notice to the other; and if such objections be maintained, the appointment shall be null, and the party offering the person so adjudged to be disqualified, shall be held to have appointed no arbitrator.

No award made as aforesaid, shall be invalidated by any want of form or other technical objection, if all the requirements of this act shall have been complied with, and if the award shall state clearly the sum awarded, and the lands or other property, rights or things, for which such sum is to be the compensation; nor shall it be necessary that the party or parties to whom the said sum is to be paid, be named in the award.” Want of form, not fatal.

5. Section 15 of the said act is hereby amended by striking out in the third line thereof, in the English version of the same, the word: “matter,” and substituting therefor the word: “manner;” and by striking out in the eighth line thereof the words: “any justice of the Court of Queen’s Bench,” and substituting therefor the words: “the judge;” and by striking out, in the fourteenth line of said section, the words: “any such justice,” and substituting therefor the words: “such judge.” S. 15 of said act of inc. amended.

6. Section 16 of the said act is hereby amended: S. 16, amended. by striking out in the fifteenth and sixteenth lines thereof the words: “said Court of Queen’s Bench,” and substituting therefor the words: “Superior Court for the district in which such land is situate.”

7. Section 23 of the said act is hereby amended by adding thereto the following sub-sections: S. 23, amended.
 “Moreover, the capital stock of the said Company may be increased, from time to time, to any amount, but such increase must be sanctioned by a vote in person or by proxy, of at least two thirds in amount of all the shareholders, at a meeting expressly called by the Directors for that purpose, by a notice in writing to each shareholder, served on him personally, or properly addressed to him, deposited and registered in the post office, at least twenty days previously to such meeting: stating the time and place and object of the meeting, such notice shall moreover be published in a newspaper published in the said district of Joliette; and the amount of increase, and the proceedings of such meeting, must be entered on the minutes of the proceedings, and thereupon, the capital stock may be increased to the amount sanctioned by such vote. Increase of capital stock.

And in case of increase of the capital stock as provided in the preceding sub-section, the said Company may, at such times and places, and after such notices as may from time to time be determined by the Directors, cause subscription books to be opened, for receiving the signa- Subscription books in such cases.

tures of persons willing to become subscribers to the said undertaking ; and every person who shall write his or her signature, or who shall cause it to be written by his or her attorney in such book, as a subscriber to the said undertaking, shall thereby become a member of the said Company, subject to the same obligations, and enjoying the same privileges as the other members of the said Company."

S. 24 of said act, repealed.

8. Section 24 of the said act is hereby repealed and the following inserted in lieu thereof :

Power to borrow up to \$75,000.

"24. The said Company may borrow, from time to time, either in Canada or elsewhere, such sum of money as may be necessary, not exceeding seventy five thousand dollars, for the purpose of completing, maintaining or working the said railway, and at a rate of interest not exceeding eight per cent per annum, and to make the bonds, debentures or other securities granted for the sums so borrowed, payable either in currency or in sterling money, and at such place or places within Canada or without it, as may be deemed advisable, and to sell the same at such prices or discount as may be deemed expedient or be necessary, and to hypothecate, mortgage or pledge the lands, tolls, revenues and other properties of the Company, for the payment of the sums so borrowed and the interest thereon ; but no such debenture shall be for a less sum than one hundred dollars."

S. 25, amended.

9. Section 25 of the said act is hereby amended :

By striking out after the word "share" in the fifth line thereof, the words following : "less than fifty, provided always that no one proprietor as aforesaid, shall have more than fifty votes ;"

By striking out in the form contained in said section, the words ; "the St. Lawrence and Industry village," and substituting therefor the word : "Joliette ;"

By adding at the end of said section the following subsection :

Corporations may subscribe to stock.

"Municipal corporations, subject to the limitations and restrictions by law prescribed, may subscribe for any number of shares in the capital stock of the said Company, and the mayor, warden or other head officer of any such corporation, holding stock to the amount of ten thousand dollars or upwards, shall be *ex-officio*, one of the directors of the Company, in addition to the number of directors authorized by the said act of incorporation."

S. 29 of said act, amended.

10. Section 29 of the said act is hereby amended, by striking out, after the word : "fifty," in the third

line thereof, the words : "and that in the month of January in the said year and each year thereafter, and on such day of the month, thereafter, as shall be determined by any by-law," and by substituting therefor the following words : "and that on the first Wednesday of February of each subsequent year on the following day, when the said first Wednesday shall be a legal holiday."

11. Section 30 of the said act is hereby amended, S. 30, amended. by striking out of the second line of the said section, in the French version thereof, the word : "*dir.*," and substituting therefor the word : "*dits.*"

12. Section 39 of the said act is hereby amended, S. 39, amended. by striking out in the form therein contained, the words : "The St Lawrence and Industry village Railroad Company," and substituting therefor the following words : "The Joliette Railway Company."

13. Section 51 of the said act is hereby amended S. 51, amended. by striking out, in the nineteenth line thereof, the words : "of Montreal," and substituting therefor, the following words : "in which the offence shall have been committed."

14. This act shall be deemed a part of the said act of This act to form part of act of inc. incorporation hereby amended.

C A P . L I .

An act to incorporate the "Ottawa and Gatineau Valley Railway Company."

[Assented to 31st October, 1879]

WHEREAS the persons hereinafter named and others, Preamble. have, by their petition, represented that a line of railway to be constructed from a point on the north branch of the Ottawa river at or near the village of Hull, in the township of Hull, to a point at or near the confluence of the rivers Desert and Gatineau, and known as Desert village, running on the west side of the river Gatineau, would colonize and settle the fertile land of the Gatineau valley, and speedily develop its resources; agricultural, manufacturing and mineral, and largely increase the wealth and population of the province of Quebec, and moreover, that the said railway would prove to be a powerful feeder to the Quebec, Montreal,