

CAP. XXXIII.

An act to change part of the location of the lake Champlain and St. Lawrence railway junction company, to extend the delay for the completion of the works of the line, and to define and fix more clearly the absolute mortgages and rights of privilege of the bond-holders of the said company.

[Assented to 28^h December, 1876.]

Preamble.

WHEREAS the lake Champlain and St Lawrence railway junction company have by their petition prayed to be authorized to change part of the location of their line, to extend the delay for the completion of the works of the line, and to define and fix more clearly the absolute mortgages and rights of privilege of the bond-holders of the said company, and it is expedient that the prayer be granted; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

Line.

1. It shall be and it is lawful for the said company to deviate from the line fixed in its charter between Farnham and Philipsburg, so as to facilitate its junction with the railways of the United States.

If the corporation of the municipality of the township of Standbridge, before the first day of the month of June eighteen hundred and seventy-seven, subscribes for shares in the capital stock of the company to the amount of fifteen thousand dollars, this latter shall be obliged to make its line pass through the places called Bedford and Standbridge station; provided always that the southern terminus shall not be changed.

The location of the line of the said railway, between St. Hyacinthe and St. Hughes, shall be and is fixed at the place determined upon in the contract between the company and the contractor for the works in the said road, so that after having crossed the line of the Grand Trunk Railway in the direction of Ste. Rosalie, it shall pass in the neighbourhood of the Roman Catholic church in the latter parish, thence towards the third range and along this range in St. Simon until near the line dividing the latter parish from that of St. Hughes, and thence in the direction of the Roman Catholic church of the parish of St Hughes, passing between the River Yamaska and the latter church.

35 V., c. 31, s.
2, amended.

Section 2 of the act of this province 35 Vict., ch. 31, is in consequence hereby amended and the present section is deemed to form part thereof.

2. The fifteenth section of the said act is amended, by substituting the word "seven" for the word "six," in the second line of the said section. s. 15, amended.

3. The due payment of the principal and interest of the debentures which the said company have been heretofore authorized to issue, may be secured by a deed of mortgage or hypothec on their railway, and on the revenues, lands, buildings, equipments and other property thereof acquired or to be acquired by the said company; and the said company may, and shall be bound, from time to time, to execute any deed or other instrument that may be requisite to perfect the charge intended to be created by such mortgage or hypothec, and to perfect the security thereby intended to be given, and to enable such charge to be made completely effectual; the whole, however, without prejudice to the rights of any unpaid proprietor of land taken or to be taken for the right of way or for stations. Guarantee of principal and interest of debentures. Proviso.

4. Any such mortgage or hypothec may be made to any corporation or to any person or persons in the United Kingdom or in the Dominion of Canada, as trustees, for the holders, from time to time, of the said debentures; which debentures shall refer to such mortgage or hypothec and shall be countersigned by the trustees, or one of them, or by some person on their behalf duly authorized by them in that behalf, for the purpose of identifying such debentures as those which are to be secured by such mortgage or hypothec. Trustees.

5. Any such deed, bearing mortgage or hypothec, may contain an authority to the trustees, to take possession of the railway, lands and other property thereby charged or hypothecated, and to work and sell them, upon default by the company to pay the principal and interest of the debentures to be secured thereby, or any part thereof, within such delays respectively and upon such terms and conditions as the company shall agree upon, and as shall be expressed in such deed. Stipulation of mortgage.

6. Any such mortgage or hypothec, upon being duly registered by means of a declaration of the company showing the amount of the debentures issued by them, in the registry offices for all the registration divisions in which shall be situate any part of the railway, lands or other property which may be affected thereby, and without the registration of any of the debentures issued, shall, for the purposes of this act and the loan to be made in virtue thereof, take effect in priority from the date of its registration without reference to the date or dates at Registration. Priority of mortgage.

Rank of debentures.

which the debentures to be secured thereby shall be issued and at whatever subsequent date or dates they shall be so issued; except as otherwise provided in such deed, all the debentures to be issued upon such security, shall be secured *pari passu*, and without any preference of one over the other in consequence of the respective dates of issue thereof, or for any other reason; the whole also without prejudice to the rights of unpaid proprietors as above mentioned.

Proviso.

Powers of trustees.

7. The trustees may, at all times, in their own names, and without the necessity for any concurrence or co-operation of any of the debenture holders, enforce all the rights which such deed of mortgage or hypothec, shall purport to confer upon them, in the same way, and to the same extent, as if such deed of mortgage or hypothec had been made to them for their own benefit, and they were the holders of all the debentures issued thereunder and intended to be secured thereby; and for that purpose they may, if necessary, bring or defend in their own names, any actions or suits in any court in the Province of Quebec.

Act in force.

8. The present act shall come into force on the day of its sanction.

CAP. XXXIV.

An act to incorporate the St. John street railway company.

[Assented to 28th December, 1876.]

Preamble.

WHEREAS the persons hereinafter named have by their petition prayed that they may be incorporated under the title of "the St. John street railway company," for the purpose of constructing and operating a street railway in the upper town of the city of Quebec; and whereas it is expedient to grant the prayer of the petitioners; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

Corporation.

1. Andrew Thomson, David Alexander Ross, John Henri Ross Burroughs, Cyrille Tessier, Zephirin Vandry, William Alexander Griffith, and such other persons as shall become share-holders of the said company, are hereby constituted a body politic and corporate, for the purposes herein mentioned, by the name of "the St. John street railway company."

Name.

Capital stock.

2. The capital stock of the company shall be fifty thousand dollars, in shares of fifty dollars each.

3. The company may commence operations and exercise the powers hereby granted, so soon as twenty-five thousand dollars of the said capital stock shall be subscribed, and twenty per cent of the amount subscribed paid up.

Commencement of operations.

4. The company are hereby authorized and empowered to construct, complete, maintain and, from time to time, remove and change, a single track iron railway, with the necessary side-track, switches, turnouts, and other appliances for the passage of cars, carriages, and other vehicles, adapted to the same, upon and along Buade street, the upper-town market place, Fabrique and St. John streets, as far as the St. Foy turnpike gate in the banlieu of Quebec, and upon and along any of the streets and highways in the upper town of the city of Quebec, for which permission has been or shall be obtained from the corporation of the said city of Quebec, and subject to the limitations set forth and provided by the by-laws granting such permission; and to take, transport and carry passengers upon the said railway; and to construct and maintain all necessary works, buildings and conveniences therewith connected; and to use or occupy any of the said streets or highways aforesaid, as shall be required for the purpose of their railway track, and the running of their cars and carriages; but the company shall not be permitted to use steam power upon the said railway.

Construction of road.

Line.

Previous permission.

Steam prohibited.

5. The rails of the railway shall be laid flush with the streets and highways, and the railway track shall conform as far as possible to the grades of the same, so as to offer the least possible impediment to the ordinary traffic of the said streets and highways; and the gauge shall be such that the ordinary vehicles now in use may travel on the said tracks, which it shall be lawful for them to do, provided they do not interfere with or impede the running of cars of the company; and in all cases any carriage or vehicle on the track shall give place to the cars by turning off the track.

Mode of construction.

Width.

Other vehicles.

6. The affairs of the company shall be under the control of, and shall be managed and conducted by a board to consist of seven directors, of whom three shall be a quorum, and each director shall be a stock-holder to an amount of not less than five hundred dollars, and shall be elected at the annual general meeting of the company, which shall be held on the first Monday in February in every year, at the office of the company; and all such elections shall be by ballot by plurality of the votes of the stock-holders present; each share upon which all in-

Board of directors.

Quorum.
Qualification.

Date.

Ballot.

Votes. stallments due have been paid, shall give one vote, and
 Proxy. stockholders, not personally attending, may vote by proxy ;
 President. and the directors so chosen shall, as soon as may be, elect
 one of their number to be president, which president and
 directors shall continue in office one year and until their
 successors shall be elected ; after the first election of di-
 rectors to be made under this act, no share or shares of
 the capital stock of the said company shall confer a right
 of voting, which shall not have been held for three cal-
 endar months at the least prior to the day of election, or of
 the general meeting when the votes of the stock-holders
 are to be given.

Annual state- 7. An exact statement in detail of the affairs, debts,
 ment. and assets of the company, up to the thirty-first day of
 December in each year, shall be submitted to the share-
 holders at each annual meeting, and the said statement
 shall be entered in the books of the said company, and
 may be examined by every stock-holder.

First election 8. As soon as the required amount of stock shall have
 of directors. been subscribed, a meeting of the shareholders shall be
 convened by public advertisement inserted for nine
 clear days immediately preceding such meeting, in at least
 Notice. one English and one French newspaper published in
 the city of Quebec, to elect the directors of the said com-
 pany, and the directors then chosen shall continue in
 office until the first Monday of February following.

Powers of 9. The directors of the company shall have full power
 directors. and authority to make, amend, repeal and re-enact all
 By-laws. such by-laws, rules, resolutions and regulations, as shall
 appear to them proper and necessary, touching the well
 ordering of the company, the acquirement, management
 and disposition of its stock, property and effects, and of its
 affairs and business, the auditing of its accounts, the en-
 tering into arrangements and the execution of such con-
 tracts with the said city, the declaration and payment of
 dividends out of the profits of the company, the form and
 issuing of stock certificates, the calling of special and gene-
 ral meetings of the company, the appointment, removal
 and remuneration of all officers, agents, clerks, workmen
 and servants of the company, the fares to be received from
 persons transported over the railway, or any part thereof,
 Generally. and generally to do all things that shall be necessary to
 carry out the object and exercise the powers incident to
 the company ; provided always, that the by-laws of the
 said company and all amendments thereto, shall be
 Approval. approved by a majority of the stock-holders present in
 person or proxy, at any meeting of the company convened
 for that purpose ; and provided further that the corpora-

tions of the municipalities, through which the said railway may pass, shall have full power, by by-law on that behalf, to enforce against the said railway company and all others, such rules and provisions as the said corporations may think necessary, to regulate the construction and use of the said railway so as to prevent all avoidable interference with the ordinary traffic and use of the streets along which the said railway may pass.

Powers of corporations.

10. If the election of directors be not made on the day appointed by this act, the company shall not for that reason be dissolved; but the stock-holders may hold the election on any other day in the manner provided for by any by-law passed for that purpose; and all acts of directors until their successors are elected, shall be valid and binding upon the company.

Default of election.

11. The company may purchase, lease, hold, acquire and transfer all real or personal estate necessary for carrying on the operations of the company.

Property.

12. The directors of the company may, from time to time, raise or borrow for the purposes of the company, any sum or sums not exceeding in the whole the amount of the paid up capital, provided the amount to be so borrowed do not exceed fifty thousand dollars, by the issue of bonds or debentures, in sums of not less than one hundred dollars, on such terms and conditions as they may think proper, and may pledge or mortgage all the property, tolls and income of the company, or any part thereof, for the repayment of moneys so raised or borrowed and the interest thereon; provided always, that the consent of two-thirds in value of the stock-holders of the company, then present, personally or by proxy, shall be first had and obtained at a special meeting to be called and held for that purpose, and the object of such meeting shall be stated in the notice convening the same.

Loans.

Limit.

Debentures.

Conditions.

Consent required.

13. The city of Quebec and the said company, are respectively hereby authorized to make and enter into any agreements or covenants relating to the construction of the said railway, and of all the works connected therewith, and the running of the cars, subject to the restrictions contained in this act; to pass any by-laws, and (when all parties concur) to amend, repeal or re-enact the same for the purpose of carrying into effect any such agreements or covenants, and containing all necessary clauses, provisions, rules and regulations for the conduct of all parties concerned, and for enjoining obedience thereto, and for regulating the traffic and conduct of all persons travelling upon the streets and

Powers of Co. and of corporation of city of Quebec.

highways through which the said railway may pass; provided always, that no such by-law or by-laws shall infringe upon the privileges granted to the said company by this act.

Responsibility of shareholders. **14.** No shareholder of the said company shall be liable under this act for any default or obligation of the company, or for any engagement, claim, payment, loss, damage, transaction, matter or thing soever relative or attaching to the said company; beyond the amount of his share in the capital of the said company.

Instalments. Should any shareholder of the said company make default in the payment of any of the instalments payable by him upon his shares, or of any interest due by him, the directors may, at any time after the expiration of three months after the period fixed for the payment of such instalments, declare the said share or shares forfeited whether the amount due has been sued for or not, and such share or shares shall then become the property of, and be at the absolute disposal of the said company.

Transfer. **15.** No share of the said company shall be transferred until all instalments due or called in thereupon shall have been paid, or until the said share shall have been duly declared forfeited for non-payment.

Recovery of instalments. **16.** In case the said directors shall deem it more expedient in any case to enforce the payment of unpaid instalments than to forfeit the share therefor, the company may sue for and recover the same from the shareholder with interest thereon, in an action of debt, in any court having civil jurisdiction to the amount claimed; and in any such action it shall be sufficient to allege that the defendant is the owner of one or more shares, stating the number of shares, and is indebted to the company in the sum to which the calls in arrear may amount; and to maintain such action, it shall be sufficient that the defendant has signed some book or paper by which his subscription for such share shall appear, and the number of calls in arrear shall have been duly made.

Obstruction of road. **17.** Any person wilfully obstructing the said railway by leaving any waggon, cart, carriage, or other incumbrance thereon, or by refusing or neglecting to give place to the cars, shall upon conviction before the recorder for the city of Quebec, or judge of the sessions of the peace for the city of Quebec, or before any justice of the peace in or near the place where the injury has been done, be sentenced to pay a fine of not more than twenty dollars, nor less than two dollars, and in default of payment to an imprisonment not exceeding three months, for

Fine.

Imprisonment.

each and every such offence; this clause shall in no wise affect the right of the company to recover from the offender in the usual way any damage sustained.

18. This act shall be void unless one mile at the least Delay. of the said railway be constructed and put in use, within four years from the passing of this act.

C A P. X X X V.

An act to correct an error in the act of this province 39 Vict., ch. 40, respecting the limits of the county of Champlain.

[Assented to 28th December, 1876.]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

1. The first section of the act of the legislature of this 39 Vict., c.40, province, 39 Vict., chapter 40, is amended by substituting, s. 1, amended. in the sixth line, the words "chapter seventeen," for the words "chap. 18."

2. This act shall come into force on the day of the Act in force. sanction thereof.

C A P. X X X V I.

An act to detach from the municipality of the parish of Cap Santé, in the county of Portneuf, a certain piece of land, and to annex it to the municipality of the parish of Ste. Jeanne de Neuville, in the same county.

[Assented to 28th December, 1876.]

WHEREAS, by means of the *cadastre* in the county of Preamble. Portneuf, a certain piece or parcel of land has been discovered, of about eighteen hundred arpents in superficies, bounded as follows, that is to say: towards the north by the south boundary line of the parish of St. Raymond; towards the south by the discharge of lake Blanc, which divides the said parcel of land from the parish of Ste. Jeanne de Neuville; towards the east, partly by the parish of Ste. Jeanne de Neuville, and partly by the west boundary line of the parish of Ste. Catherine; and towards the west, partly by the parish