

their stead, and the said sum and sums so borrowed shall be paid out of the properties and revenues of the said works and of the said company; and for the payment thereof the holders shall and may, if so provided in such debentures and bonds, have a special charge, lien, mortgage, or hypothec, upon such properties and revenues, but no holder of any debenture or bonds shall have any priority or privilege over any other debenture or bondholder, whatever may be the date of such bond or debenture, or of the registration thereof, and the total amount so borrowed shall at no time exceed the amount of the then actual paid-up capital of the company.

Penalty on persons interfering with works of the company.

14. If any person shall by any means or any manner or way whatsoever, obstruct or interrupt the free use of the said canals, flumes, or works, or the works incidental or relative thereto, or connected therewith, or do damage thereto, or to any of the docks, piers, wharves, warehouses, sheds, buildings, tanks, cranes, weigh-beams, elevators, or other erections or works of the company, such person shall for every such offence incur a forfeiture, or penalty of not less than five dollars nor exceeding forty dollars, one-half of which penalty and forfeiture to be recovered before one or more justices of the peace for the district, shall go to the prosecutor or informer, and the other half to Her Majesty, her heirs and successors, and shall be paid into the hands of the treasurer of the province, and be applied for the public uses of the province and the support of the government.

Works must be commenced within three years.

15. The powers hereby granted to the company shall wholly cease if their works are not commenced within three years from the passing of this act.

C A P . L X X V .

An Act to incorporate the Parish of Laprairie Turnpike Road Company.

[Assented to 24th December, 1872.]

Preamble.

WHEREAS, Pierre E. Brossard, Julien Brosseau, G. Drolet, L. B. A. Charlebois, Adolphe Ste. Marie, Pierre Brosseau and Alexandre Brosseau have, by petition, prayed to be incorporated with others, for making a macadamized road from the village of Laprairie to the division line between the said parish of Laprairie and that of St. Constant, with the powers requisite for making and maintaining such road, and whereas 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. The said Pierre E. Brossard, Julien Brosseau, G. Drolet, L. B. A. Charlebois, Adolphe Ste. Marie, Pierre Brosseau and Alexandre Brosseau, together with such other persons, corporations and municipalities as shall, under the provisions of this act, become shareholders in the said company as hereinafter mentioned, shall be and are hereby constituted and declared a body politic and corporate under the name of "The parish of Laprairie Turnpike Road Company."

Certain persons incorporated.

2. The said company and their servants or agents, shall have full power to lay out and construct, make and finish, at their own costs, a macadamized road not less than fifteen feet wide, from the village of Laprairie, along the front road of the St Francis range, in the said parish of Laprairie, to the division line between the said parish of Laprairie and that of St. Constant, with a branch intersecting the said road at a point on the division line between the land of A. Brosseau and that of Frs. Lemieux, in the said St. Francis range, towards the river "la tortue," and on the other side of the said river from near the mouth thereof and following the front road of the St. Ignace range to the said division line between the parishes of Laprairie and St. Constant ; and in all cases where the said macadamized road shall be substituted for the existing base road of the said St. Francis and St. Ignace ranges, the company shall not be bound to indemnify the proprietors whose land shall be taken for such new road, and any part of the existing road for which the new road shall be substituted shall become *pleno jure* the property of the owner of the land of which it forms part.

Power to construct a certain road.

3. The said company shall have full power and authority to explore the ground or the country lying between the termini of the said road, and to designate and establish, take, appropriate, have and hold, to and for the use of them and their successors, the requisite land upon the lines and within the limits of the said roads, according to the provisions hereinafter contained for acquiring the same ; and also to cut, make and keep in repair, upon such adjoining or neighbouring land, such ditches, drains and water courses as may be necessary for effectually draining and carrying off the water from the said road or work, making compensation therefor as hereinafter provided ; and for the purposes aforesaid, the said company and their agents, servants and workmen, are hereby authorized and empowered to

Power to acquire land and perform works, &c., necessary.

enter into and upon the lands and grounds of any person or persons, body or bodies corporate or politic, and to take, whenever they may deem proper, all stone, earth, sand and other materials required for the construction and maintenance of the said road, the cost thereof, and of the damages incurred in so doing, being established in the manner hereinafter provided, and the said company are also authorized to make ditches, drains, plats, bridges and other works, on the said road, and on the sides thereof, and to include in the said road any portion of any existing highway which they may deem expedient to adopt as part thereof; and in case the said portions of existing highways shall not be thirty-six feet in width, French measure, the proprietors in charge thereof shall, when required so to do by the said company, be bound to furnish the width aforesaid; and the said road hereby authorized to be made shall be a public highway, to all intents and purposes of law.

Power to take
land and ma-
terials without
consent of
owners.

4. The said company may take, without the consent of the proprietor, for the purposes of their road, any breadth of land not exceeding fifty feet, French measure; they may also take any piece of land not exceeding one hundred and twenty feet square, same measure, opposite any toll-house or gate, and at any other intermediate point on the said road, for depositing the materials required for the completion and maintenance of the said road, and the said company may also, under the conditions hereinafter established, take all the materials that may be required for the completion and maintenance of the said road and the toll-houses thereon.

Form of con-
veyances and
registration
thereof.

5. All deeds and conveyances for lands, to be conveyed to the said company for the purposes of this act, may, in so far as the title to the said lands, or the circumstances of such parties making such conveyances shall admit, be made in the form given in the schedule of this act marked A, in the presence of any two or more witnesses; and for the due enregistration thereof, the said company shall, at their own expense, furnish the registrar of the county of Laprairie with a book or books having a sufficient number of copies of the said form therein printed, one on each page, leaving the requisite blanks to suit the various cases of conveyance, such book or books being authenticated in the manner in which the ordinary registers of such Registrar are by law required to be authenticated; and such book or books shall by such registrar be received and kept as, and shall be so many registers of his office; and he shall therein enregister such deeds upon production thereof and proof of their execution, by the oath of one credible witness, which oath he is hereby authorized to administer; and he shall certify

such enregistration, and the date thereof, on each such deed, and the company shall pay for such enregistration of and certificate, upon each such deed, the sum of fifty cents, and no more; and such enregistration shall be to all intents valid in law; and in the absence of the original of any such deed, copies thereof, taken from such register, and duly certified by the registrar having charge thereof, shall be held and treated as authentic copies of such deed; and such registrar shall be entitled to a fee of one dollar and no more for every such certified copy.

6. The affairs, stock, property and concerns of the said company shall be managed and conducted by seven directors, to be annually elected according to the provisions of this act, and upon every such election of directors, the number of votes that each stockholder shall be entitled to, shall be in proportion to the number of shares he may hold or be possessed of in the said company, that is to say: one vote for each share, and the first directors of the said company shall be the said Pierre E. Brossard, Julien Brosseau, G. Drolet, L. B. A. Charlebois, Adolphe Ste. Marie, Pierre Brosseau and Alexandre Brosseau, who shall hold office as such, until others shall be named as hereinafter provided; and they shall have power to open stock books, to make a call upon the shares subscribed therein, to call a meeting of the subscribers thereto for the election of other directors as hereinafter provided, to lay out the said road, and generally to do all such things as may be necessary and expedient for carrying out the provisions of this act. Directors and their powers.

7. If the corporation of the village of Laprairie do subscribe the sum of three thousand dollars in the capital stock of the said company, in such case the number of such directors shall be nine, and the mayor of the said village of Laprairie, and one of the councillors of the said corporation, who shall be designated for the purpose by a resolution, shall be *ex-officio* directors of the said company. Village of Laprairie may have two directors, if— &c.

8. The bridges crossed over by the said macadamized road shall be under the charge of all corporations and persons passing water thereunder and bound to the maintenance thereof, and in case said bridges are not maintained properly and in a sufficient manner by those who are bound to do so, the said company may repair them and put them in good order, and exact the reimbursement of the cost and expenses from the parties interested. Who shall maintain bridges.

9. The capital stock of the said company shall be the sum of fifteen thousand dollars, divided into shares of fifty dollars each, with power, at any general meeting of the Capital stock, and application thereof.

stockholders of the said company, to increase the same to thirty thousand dollars, and shall be raised by the persons and corporations who may become shareholders in such stock; and the money so raised shall be applied, in the first place, to the payment and discharge of all fees, expenses and disbursements for procuring the passing of this act, and for making the surveys, plans and estimates, connected with the said road; and all the remainder of the said money shall be applied to the making, completing, maintaining and working of the said road, and to no other purpose whatever; and no money shall be paid out or expended, without the authority previously obtained of a majority of the members of the board of directors at some regular meeting thereof; provided always, that if at any time after the passing of this act, the directors shall be of the opinion that the original capital subscribed will not be sufficient to complete the said road, it shall and may be lawful for the said directors, under a resolution to be passed by them for that purpose, to borrow upon the security of the said company by mortgage or hypothèque of the said road, and the tolls to be collected thereon, a sufficient sum of money to complete the same.

Power to borrow.

Debentures and registration thereof.

10. In the borrowing of money by way of loan, the debentures of the said company may be in the form given in the schedule of this act, marked B, or in any other like form, and need not be passed before a notary, and the enregistration in the manner hereinafter set forth of any such debenture, in the form of the said schedule, in the registry office for the county of Laprairie, shall perfect the hypothec thereby created, and such hypothec shall rank from the perfection of the registration of such debenture, irrespectively of the issuing thereof; and every such debenture being enregistered and issued, shall be transferable by delivery, and binding to all intents against the said company and all parties whatsoever, in favor of the bearer thereof, and shall hypothecate in his favor all the lands, buildings and real property whatsoever of the said company, and other the appurtenances thereto belonging.

Special book may be furnished for registration.

11. The said company, in case of their requiring the enregistration of any debentures as aforesaid, shall, at their own expense, furnish the said registrar of the county of Laprairie, with a book or books having a sufficient number of copies of the said form of debenture therein printed, one on each page, leaving the requisite blanks, and without any interest coupons thereto, such book or books authenticated in the manner in which the ordinary registers of such registrar are by law required to be authenticated; and such book or books shall, by the said registrar, be received and

kept as, and shall be so many registers of the said office ; and he shall therein enregister the said debentures upon production thereof, and he shall certify such enregistration, and the date thereof, each such debenture, and for such enregistration and certificate upon each such debenture, he shall be entitled to a fee of twenty-five cents, and no more.

12. If after such enregistration, any such debenture of the said company shall be presented at the said registry office with the word "cancelled," and the signature to such word added of the president or secretary of the said company written across the face thereof, the said registrar, on a receipt of a fee of twenty-five cents in that behalf, and on proof of such signature by the oath of one credible witness, which oath he is hereby authorized to administer, shall forthwith make an entry in the margin of the register against the registry of such debenture, to the effect that the same has been cancelled, adding to such entry the date thereof and his signature : and thereupon such debenture shall become and be held cancelled, and shall be filed and remain of record in such registry office.

Cancelling of debentures and of registration.

13. So soon as one-fourth of the said capital stock shall have been subscribed, it shall be lawful for the said directors, or a majority of them, by public notice to be given at least fifteen days previously, in at least one English and one French newspaper published in the city of Montreal, to call a first general meeting of the shareholders at such time and place as they shall think proper, for the election of seven directors, who shall remain in office until their successors are elected as hereinafter provided.

Meeting for election of directors.

14. The annual general meetings of the said company shall be held thereafter on the first Monday in the month of February yearly, or on such other day as shall be appointed by any by-law of the said company, and at such place and hour as by such by-law shall be appointed ; and public notice thereof shall be given at least fifteen days previously in at least one English and one French newspaper published in the said city of Montreal ; and at every such annual general meeting, the said stockholders shall elect seven directors of the said company to hold office until the next annual general meeting.

Annual meetings.

15. All elections of directors by the said shareholders, or by special proxy or proxies representing any absent shareholder or shareholders, who shall be entitled to give as many votes as their principals, on being provided with a procuration in the form C annexed to this act, shall be by

Voting at elections.

ballot ; and the seven persons having the greatest number of votes at any election shall be declared elected ; and if it shall happen that two or more have an equal number of votes, the said shareholders and proxies shall proceed to ballot anew until a choice shall be made : and no person shall be qualified to be elected such director by the said shareholders unless he be a shareholder holding stock in the said company to the amount of one hundred dollars, and have paid up all calls due on his stock.

Board of directors and vacancies there-in.

16. From and after the said first general meeting of the said company, the seven directors so chosen as aforesaid, shall form the board of directors of the said company ; and if any vacancy shall occur among the said directors by death, resignation or otherwise, the remaining members of the board shall elect a qualified shareholder to fill such vacancy until the next annual general meeting of the said company.

Quorum.

17. Three members of the board of directors of the said company shall be a quorum thereof for the transaction of business ; and the said board may employ one or more of their number as paid director or directors, and no work shall be done or executed without the previous authorization of the board.

Paid directors

Transfer of shares.

18. Each share in the said company shall be fifty dollars, and shall be regarded as personal property, and shall be transferable upon the books of the said company, in such manner as shall be provided by any by-law to be made by the said directors in that behalf, and not otherwise, so far as regards the rights of the said company, nor shall any transfer be made of any share on which any calls remain due and unpaid ; provided always, that each shareholder shall be individually liable to the creditors of the company, to an amount equal to the amount unpaid on the stock held by him, for the debts and liabilities thereof, and until the whole amount of his stock shall have been paid up ; but shall not be liable to an action therefor, before an execution against the company shall have been returned unsatisfied in whole or in part, and the amount due on such execution shall be the amount recoverable with costs against such shareholder.

Liability of shareholders.

Calls of stock and recovery thereof.

19. The directors for the time being may make calls of the stock subscribed for, in such manner and at such intervals as may be provided by any by-law of the said company ; and the said company may, in any court having jurisdiction in matters of simple contract to the amount demanded, sue for, recover and receive of or from any

stockholder in the said company, the amount of any call or calls of stock which such stockholders may neglect to pay, after such notice as shall have been provided by the by-laws of the company; and in any such action it shall be sufficient to allege that the defendant is a stockholder of the company, and that a call or calls were made upon such stock in the manner required by the by-laws and were not paid, and to prove by any one witness, whether in the service of the company or not, such facts as will support the said allegations, without alleging or proving the election or appointment of the directors or any other special matter, and without naming such directors in the declaration or other proceeding in the case.

20. If any call made by the directors upon the stockholders, in the manner provided by the by-laws of the company, shall not be paid in when due, the directors, instead of suing for the same, may, by resolution to that effect, sell the shares on which such calls are due and unpaid, and transfer the same to the purchaser as the owner thereof might have done, and after deducting all calls due, interest and costs of sale, they shall pay over the remainder of the proceeds of the sale to the owner of the shares sold.

Sale of shares for non payment of calls.

21. It shall and may be lawful for all bodies politic, corporate or aggregate, corporations aggregate or sole, communities *grévés de substitution*, guardians, curators, executors or persons whatsoever, not only for and on behalf of themselves, their heirs and successors, but also for and on behalf of those whom they represent, whether infants, issue unborn, lunatics, idiots, *femes covert*, or other persons or parties who are or shall be seized, possessed of, or interested in any lands or grounds which the said company may require for the purposes of the said road, to contract for, sell and convey unto the said company, all or any part of such lands or grounds so required by the company for such purposes; and all contracts, agreements, sales, conveyances and assurances so to be made, shall be valid and effectual in law to all intents and purposes whatsoever, any law, statute, usage or custom to the contrary thereof in anywise notwithstanding; all bodies politic, corporate or aggregate, or communities, and all persons whatsoever, so conveying as aforesaid, are hereby indemnified for what they, or any of them, shall respectively do by virtue of or in pursuance of this act.

Power to contract with persons otherwise incapable.

22. Any body politic, community, corporation, or other party or parties whomsoever, who cannot in common course of law sell or alienate any lands or grounds so required by the said company for the purposes of this act, shall agree

Rent may be agreed upon for inalienable lands.

upon a fixed annual rent as an equivalent, and not upon a principal sum, to be paid for the lands or grounds so required by the said company for the said road, and in case the amount of such rent shall be fixed by voluntary agreement or compromise, it shall be fixed in the manner hereinafter prescribed, and all proceedings shall in that case be regulated as hereinafter prescribed; and for the payment of the said annual rent, and every other annual rent agreed upon or ascertained and to be paid by the said company for the purchase of any lands, or for any part of the purchase money of any land which the vendor shall agree to leave in the hands of the said company; and the said road and other works appertaining thereto, and the tolls levied and collected on the said road, shall be and are hereby made liable and chargeable in preference to all other claims and liability being duly registered.

Agreements
in cases of un-
divided owner-
ship.

23. Whenever there shall be more than one party proprietor of any land or property *par indivis*, any agreement made in good faith between the said company, and any party or parties, proprietor, or being together proprietors of one-third or more of such land or property, as to the amount of compensation for the same, or for any damages thereto, shall be binding as between the remaining proprietor or proprietors *par indivis* and the company; and the proprietor or proprietors who have so agreed, may deliver possession of such land or property to the said company, or empower them to enter upon the same as the case may be.

Map of road to
be deposited.

24. For the purpose of this act, the said company shall cause a map or plan to be drawn up by a sworn surveyor, of the route of the said road and of the lands through which it is intended to pass; and also a book of reference for the said road, in which shall be set forth a general description of the said lands and the names of the owners, occupiers or proprietors thereof, so far as they can be ascertained; which said map or plan and book of reference shall be certified by the commissioner of crown lands, or his deputy, and copies thereof deposited by him in the office of the secretary of the province, and of the prothonotary of the superior court in the district of Montreal, and a copy thereof delivered to the said company; and access may be had at all times to such copies, from which extracts may be obtained by any person whomsoever, at the rate of ten cents for every hundred words; and the copies of the said book so certified, or true copies thereof certified by the said secretary of the province, or by the said prothonotary, shall be legal evidence in all courts of law, and elsewhere.

25. So soon as the map or plan shall have been deposited as aforesaid, and notice of its being so deposited shall have been given during at least one calendar month, in both languages, in at least one newspaper published in the locality nearest to that through which the said road is intended to pass, it shall be lawful for the said company to apply to the several owners or parties hereby empowered, to sell or convey the land through which their road is intended to be carried, or who may suffer damage from the making or constructing of such road, or the exercise of any of the powers granted to the said company by this act, and to agree with such owners or parties respectively, touching the compensation to be paid to them by the said company for the purchase thereof, and for the respective damages, and to make such agreements and contracts with the said parties touching the said lands or the compensation to be paid for the same, or for the damages, or as to the mode in which the said compensation shall be ascertained, as to such parties and the said company shall seem 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, that is to say :

After such deposit and notice thereof, land owners may be dealt with.

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

Effect of deposit and notice.

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 any lands, (describing them,) a declaration that the company are ready to pay some certain sum (or rent, as the case may be,) as compensation for such lands or 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 in making the estimate for such compensation to be awarded for such lands or the damages arising from the exercise of such powers, the arbitrator of the company, as also the arbitrators hereinafter mentioned, shall take into consideration and allow for the benefit to accrue to the party to whom compensation is to be made, from the said road, and in any case wherein the said company shall have given and served the notice aforesaid, it shall be lawful for the said company to desist from such notice, and afterwards to give new notice with regard to the same or other lands, to the same or any other party; but the said company shall in any such case be liable to the party first notified for all damages or cost by him incurred in consequence of such first notice and desistment; and no change of ownership, after the said company shall have

Proceedings if land owners do not agree.

given and served the notice aforesaid, shall affect the proceedings, but the party notified shall be still deemed the owner, except as to the payment of the sum awarded ;

If land owner
be absent.

If the opposite party be absent from the district in which the land is situate, (if the notice relate to the taking of land) or from the district in which the power sought to be exercised is to be exercised, or be unknown to the said company, then upon a petition addressed to any one of the judges of the superior court in the said district, accompanied by an affidavit of some officer of the said company, that such opposite party is so absent, and that after diligent inquiry the party on whom the notice ought to be served cannot be ascertained, such judge shall order a notice as aforesaid, to be inserted at least three times during one calendar month in the Quebec Official Gazette, and in such newspaper as may be named by such judge, and in either or both languages, in the discretion of such judge ;

Proceedings if
land owner
makes default.

If within ten days after the service of such notice, or within one month after the first publication thereof as aforesaid, the opposite party shall not notify to the said company that he accepts the sum offered by the said company, or notify to them the name of a person whom he appoints as arbitrator, then any such judge may, on the application of the said company, appoint some sworn surveyor or other competent person as sole arbitrator, for determining the compensation to be paid by the said company ;

If land owner
appoints an
arbitrator.

If the opposite party shall, within the time aforesaid, notify to the said company the name of the person such party shall appoint as arbitrator, then the two arbitrators shall jointly appoint a third, or if they cannot agree upon a third (of which fact the allegation of either of them shall be evidence), then any such judge shall, on the application of the said party or of the said company, (previous notice of at least one clear day having been given to the arbitrator of the other party) appoint a third arbitrator ;

Proceedings of
arbitrators.

The said arbitrators or sole arbitrator being sworn before a justice of the peace, who is hereby empowered and required to administer such oath, faithfully and impartially to perform the duties of their office, shall proceed to ascertain the compensation to be paid by the company, in such way as he or they, or a majority of them, shall deem best, and the award of such arbitrators, or any two of them, shall be final and conclusive and without appeal ; provided that no such award shall be made, or any official act done by such majority, except at a meeting held at a time and place of which the other arbitrator shall have had at least one clear day's notice, or 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 suffi-

Proviso.

ently notified through the arbitrator they shall have appointed, or whose appointment they shall have required;

Provided always, that the award given by the said arbitrators shall never be for a less sum than that offered by the company as aforesaid; and if, in any case, where the arbitrators shall have been appointed, the sum awarded be not greater than that offered by the company, the cost of the arbitration shall be borne by the opposite party and deducted from the compensation, otherwise they shall be borne by the company; and in either case they may, if not agreed upon, be taxed by some justice of the peace;

The arbitrators or a majority of them may, in their discretion, examine on oath or solemn affirmation the parties or such witnesses as shall voluntarily appear before them, and may administer such oath or affirmation, but this shall not prevent the arbitrators from acting and deciding upon their personal knowledge of the merits of the case, or from using such knowledge as they shall think just and right; and any wilfully false statement made by any witness, under such oath or affirmation, shall be deemed wilful and corrupt perjury, and 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 shall have been prolonged, either by the consent of the parties or by the order of any such judge, (as it may be, for reasonable cause, shown, on the application of 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 paid by them;

If the arbitrator appointed by the said company, or by the opposite party, or any third arbitrator, whether appointed by the two arbitrators, or by any such judge, shall die, or be or become disqualified or unable to act, then, on proof thereof to the satisfaction of any such judge, such judge shall authorize the company, or the opposite party, or the two arbitrators, to appoint another person in the place of him who shall be so deceased, disqualified or unable to act, or shall himself appoint another person as third arbitrator as the case may require, but no recommencement or repetition of any prior proceeding shall be necessary;

It shall be no disqualification to the person offered as valuator or as arbitrator that he be 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 company, provided he be not himself personally interested in the

Proviso.

Costs of arbitration.

Taking of evidence by arbitrators.

If award be not made before a certain day, the offer of the company shall be final.

In case of death, &c., of arbitrator, he shall be replaced.

Qualification of arbitrators and objections thereto.

amount of such compensation; and no cause of disqualification shall be urged against any arbitrator appointed by any such judge after his appointment, but shall be made before the same, and its validity or invalidity summarily determined by such 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 any cause of disqualification urged against any such arbitrator, before the appointment of a third arbitrator, shall be summarily determined by any such judge on the application of either party, after one clear day's notice to the other, and if such cause be determined to be valid, the appointment shall be null, and the party offering the person so adjudged to be disqualified, shall be held to have appointed no arbitrator;

Informalities
not to inval-
idate awards.

No award as aforesaid shall be invalidated by any want of form or other technical objection, if 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, right or thing for which such sum is to be the compensation; nor shall it be necessary that the party or parties to whom the sum is to be paid be named in the award.

When and
how company
may take
possession of
land.

26. Upon payment or legal tender of the compensation or annual rent so awarded or determined or agreed upon by the parties themselves as aforesaid, to the party entitled to receive the same, or upon the deposit of the amount of such compensation in the manner hereinafter mentioned, the award shall vest in the said company the power forthwith to take possession of the lands, or to receive the right, or to do the thing for which such compensation or annual rent shall have been awarded; and if any resistance or forcible opposition shall be made by any person or party to their so doing, any justice of the peace may, on proof to his satisfaction that the requirements of this act have been complied with, issue his warrant to any sheriff or to any bailiff or other proper person, to put the said company in possession, and to put down such resistance or opposition, which such sheriff or bailiff or other proper person, taking with him sufficient assistance, shall accordingly do, the whole at the costs of the proprietor refusing to yield such possession.

Price paid
shall stand in
lieu of land as
regards hypo-
thecary credi-
tors.

27. The compensation awarded as aforesaid, or agreed upon by the said company, and any party who might, under this act, validly convey the lands, or then in lawful possession thereof as proprietor, for any lands which might be lawfully taken under this act, without the consent of the proprietor, shall stand in the stead of such land, and

any claim to or mortgage, hypothec or incumbrance upon the said land or any portion thereof, shall, as against the company, be converted into a claim to the said compensation, or to a like proportion thereof, and if the amount of such compensation exceed eighty dollars, they shall be responsible accordingly whenever they shall have paid such compensation or any part thereof, to a party not entitled to receive the same, saving always their recourse against such party; provided always, that if the company shall have reason to fear any such claims, mortgages, hypothecs or incumbrances, or if any party to whom the compensation or annual rent, or any part thereof, is payable, shall refuse to execute the proper conveyance and guarantee, or if the party entitled to claim the same cannot be found, or be unknown to the company, or if for any other reason the company shall deem it advisable, it shall be lawful for them to pay such compensation into the hands of the prothonotary of the superior court at Montreal with the interest thereon for six months, and to deliver to the said prothonotary an authentic copy of the conveyance, or of the award if there be no conveyance, (and such award shall thereafter be deemed to be the title of the said company to the land therein mentioned,) and proceedings shall thereupon be had for the confirmation of the title of the said company, in like manner as in other cases of confirmation of title, except that in addition to the usual contents of the notice, the prothonotary shall state that the title of the company (that is the conveyance or award) is under this act, and shall call upon all persons entitled to, or to any part of the lands, or representing, or being the husbands of any parties so entitled, to file their oppositions for their claims to the compensation, or any part thereof, and all such oppositions shall be received and adjudged upon by the court, and the judgment of confirmation shall forever bar all claims to the lands or any part thereof, (including dower not yet open) as well as all mortgages, hypothecs or incumbrances upon the same; and the court shall make such order for the distribution, payment or investment of the compensation, and for securing the rights of all parties interested as to right and justice, according to the provisions of this act and to law shall appertain; and the costs of the said proceedings or any part thereof shall be paid by the said company or by any other party, as the court shall deem it equitable to order; and if judgment of confirmation be obtained in less than six months from the payment of the compensation to the prothonotary, the court shall direct a proportionate part of the interest to be returned to the company, and if, from any error, fault or neglect of the company, it shall not be obtained until the six months are expired, the court shall order the company

Proviso.

Proceedings may be had for confirmation of title.

Proviso.

to pay to the proper party the interest for such further period as may be right; provided always, that if the amount of the said compensation do not exceed eighty dollars, the same may be paid by the company to the party in whose possession as proprietor the land was at the time the company took possession thereof, or to any person who may lawfully receive money due to such party, and proof of such payment and the award shall be a sufficient title to the said company, and shall for ever discharge them from all claims of any other party to such compensation or any part thereof, saving always the recourse of such other party against the party who shall have received such compensation.

Forfeiture of rights for non-completion of road.

28. In case the time limited for the completion of the said road as hereinafter provided expires before the completion thereof, the company shall forfeit their rights as regards the said road.

Fences.

29. Whenever the road constructed by the company shall be carried through any private property, the company shall make and keep in repair the fences on such property in the manner agreed upon between the company and the owner of the property, or in the manner determined by the arbitrators to whom the matter may be referred.

President and other officers.

30. It shall be lawful for the directors of the said company to elect one of their number to be the president, and to appoint such and so many officers and servants as they shall deem necessary for performing the duties required of them by the said company, and in their discretion to take security from them or any of them for the due performance of his or their duty, and he or they shall duly account for all moneys coming into his or their hands to the use of the said company; and it shall be lawful for the said directors to make such by-laws as they shall deem expedient for the good government of the company: such by-laws not to be inconsistent with the provisions of the present act, and the same to alter, amend or repeal as they may deem necessary.

Their accountability.

Power to make by-laws.

Tolls

31. It shall be lawful for the president and directors of the said company, from time to time, to fix, regulate and receive the tolls and charges to be received from all persons passing and repassing with horses, carts, carriages and other vehicles, and for cattle driven upon, over and along the said road; provided always, that no tolls may be taken therefor until the whole of their road as hereinabove described shall have been completed.

Proviso.

32. The tolls hereby authorized to be levied by the said company upon the said road shall not exceed the rate of three cents per mile (reckoning from the gate at which the toll is to be paid to the next gate across the said road, in the direction in which the vehicle or animal on which it is to be paid may have come), for any two-wheel vehicle drawn by one horse or other cattle, and for any four-wheel vehicle drawn by one horse or other cattle, three and a-half cents per mile, and for any vehicle drawn by more than one horse or other cattle, an additional sum of a-half cent per mile; for each sheep or head of swine, one-half cent per mile; and for every horse without its rider, and for every ox or cow, or other head of horned cattle, one cent per mile; for every horse and rider two and a-half cents per mile; and it shall be lawful for the said company to compound with any persons at such reasonable rates as shall be mutually determined; provided always, that the tolls which the company impose under this section shall be at the same rate per mile throughout the whole road, and each and every section thereof; and provided also that the taxes above mentioned be paid for going and coming on the said road without other charge.

Rate of tolls
limited.

33. It shall be the duty of the directors of the said company to report annually to the legislature within the first fifteen days of each session, under the oath of the treasurer of the said company, after the opening of the said road, or any part thereof to the public, the cost of the said road, the amount of all money expended, the amount of their capital stock, and how much is paid in; the whole amount of stock expended on the said road, the amount received during the year for tolls, and from all other sources, stating each separately; the amount of dividends paid, and the amount expended for repairs, and the amount of debts due by the said company, specifying the objects for which such debts respectively were incurred; and the said company shall also keep regular books of account, in which shall be entered a correct statement of the assets, receipts and disbursements of the said company, which shall at all times be open to the inspection and examination of any person or persons who may for that purpose be appointed by the government.

Annual report
to legislature.

34. The said road and all the materials which shall from time to time be got or provided for constructing, building, maintaining or repairing the same, and all toll-houses, gates and other buildings constructed or acquired by and at the expense of the said company acting under the provisions of this act, and used for their benefit and convenience, shall be vested in the said company and

Road, &c., to
be vested in
company.

their successors ; the said company shall have full power and authority to erect such number of toll-gates or side-bars, in, along or across the said road, and fix such tolls not exceeding the rates aforesaid, to be collected at each gate or bar, as they may deem fit and expedient, (which tolls may be altered from time to time as circumstances may require,) and to erect and maintain such toll-houses, toll-gates and other buildings and erections as may seem necessary and convenient for the due management of the said road ; provided always, that no toll shall be exacted for merely crossing the said.

Toll-gates, &c.

When road must be completed.

35. The said company shall be bound to complete their said road within five years from the day of the passing of this act, in default whereof this act, and every matter and thing therein contained, shall cease and be utterly null and void.

Penalties, &c., for injuring, impeding or interfering with the road or the management thereof.

36. If any person or persons shall in any way injure, cut, break down or destroy any part of the said road as aforesaid, or any toll-gate or toll-house, building or other erection, in, upon or near the said road, and belonging to or used for the convenience of the said company, under the provisions of this act, every such person so offending, and being lawfully convicted thereof, shall be deemed guilty of a misdemeanor, and shall be punished by fine and imprisonment ; and if any person or persons shall remove any earth, stone, plank, timber or other materials used or intended to be used in or upon the said road, for the construction, maintenance or repair thereof, shall drive any loaded wheel carriage or loaded vehicle upon that part of the said road lying between the stones, plank and hard road and the ditch, further than may be necessary in passing any other vehicle or in turning off upon the said road, or shall cause any injury or damage to be done to the posts, rails or fences, or shall haul or draw, or cause to be hauled or drawn, upon any part of the said road, any timber, stone or other thing which shall be carried principally or in part upon wheeled carriages or sleighs, so as to drag or trail upon the said road to the prejudice thereof, or if any person shall leave any waggon, cart or other carriage whatever upon the said road without some proper person in the sole custody or care thereof longer than may be necessary to load and unload the same, except in case of accident, and in cases of accident for any longer time than may be necessary to remove the same, or shall lay any timber, stone, rubbish or other thing whatever upon the said road to the prejudice, interruption and danger of any person travelling thereon, or if any person shall, after having blockaded or stopped

any cart, waggon, or other carriage in going up a hill or rising ground, cause or suffer to lie and remain on the said road, any stone or other thing with which such cart or carriage shall have been blockaded or stopped, or if any person shall pull down, damage, injure or destroy any lamp or lamp posts, put up, erected or placed in or near the said road or toll-houses erected thereon, or shall wilfully extinguish the light of any such lamps, or if any person shall wilfully put down, break, injure or damage any table of tolls, put up or fixed at any toll-gate or bar on any part of the said road, or shall wilfully or designedly deface and obliterate any of the letters, figures or marks thereon, or any finger post or any mile post or stone, or if any person shall throw any earth, rubbish or other matter or thing into any drain, culvert or other water course made for draining the said road, or if any person shall, without permission, carry away any stones, gravel, sand or other materials, dirt or soil from any part of the said road, or dig any holes or ditches on the allowance for the same, or shall forcibly pass or attempt to pass by force any of the toll-gates set up by the said company, without having first paid the toll fixed by the directors of the said company to be received at any such gate, such person shall, upon conviction thereof, in a summary way before any justice of the peace in or near the place where the injury shall have been done, be sentenced to pay all damages sustained by the said company, to be ascertained by the said justice upon the hearing of the said complaint, and also to pay a fine of not more than ten dollars nor less than one dollar; and in default of payment thereof the offender shall be committed to the common gaol of the district of Montreal for any time not exceeding one month.

37. The fines and forfeitures, authorized to be summarily imposed by this act, shall and may be levied and collected by distress and sale of the offender's goods and chattels, under the authority of any warrant or warrants of distress for that purpose, to be issued by the justice before whom the conviction shall have been had; and in case there shall be no goods or chattels to satisfy such warrants, such offender or offenders shall and may be committed to the common gaol of a district, for a period not exceeding one month.

How fines, &c., may be levied.

38. If any person or persons shall, after proceeding on the said road with any waggon, carriage or other vehicle, or animal liable to pay toll, turn off the said road into any other road, and shall enter the said road beyond any of the said gate or gates without paying toll, whereby such payment shall be evaded, such person or persons shall, for

Penalty for evasion of toll.

every such offence, forfeit and pay a fine not exceeding five nor less two dollars, which said sum shall be expended on the said road or towards the discharge of any debt due by the company; and any justice of the peace for the district of Montreal shall, on conviction of such offender, fine such offender in the said penalty.

Penalty for allowing persons to evade toll, and for opening roads in opposition to company's road.

39. If any person or persons occupying or possessing any enclosed land near any toll-house or toll-gates which shall be erected in pursuance of this act, and any person who opens or permits to be opened and maintained at any time any road affording egress to the public by a by-road so constructed as to permit the evasion of the payment of toll on the said turnpike road at any distance less than two miles from either side of the said turnpike road, shall knowingly permit or suffer any person or persons to pass through such lands, or through any gate, passage or way thereon with any carriage or animal liable to the payment of toll, whereby such payment shall be evaded, every person or persons leading or driving any animal or carriage whereon such payment is evaded, being thereof convicted before any one justice as aforesaid, shall, for every such offence, severally incur a penalty not exceeding twenty dollars, which shall be laid out in improving the said road, and it shall not be lawful for any person whomsoever opposed to open, or suffer to be opened any road whatsoever opposed to the interests of the said company, under a penalty not exceeding one hundred dollars, and not less than twenty dollars for each contravention, and for each and every day such road shall remain open, recoverable in the manner hereinbefore prescribed, against the person or persons contravening this section and against those who shall make use of such road; provided that the preceding enactments shall not be construed in such manner as to prevent travellers from passing on the ice, nor the proprietors of lands permitting travellers to pass thereon in order to reach the ice.

County of Laprairie may acquire the road.

40. It shall be lawful for the municipality of the county of Laprairie at any time, within one year from the passing of this act, to acquire from the said company all the rights and privileges vested in them by virtue of this act, and to become the proprietor of the said turnpike road which shall then be constructed, upon payment by the said municipality to the said company of the value of the said road and the materials intended for the construction of the same, together with the costs incurred in obtaining this act, and the further sum of twenty per cent as indemnification, but in such case the municipality shall give to the said company good and sufficient sureties or guarantees that they will

construct the said road as provided by this act within the time prescribed, and that they will maintain it in good repair.

41. It shall be lawful for the company, with the consent of the local municipality, to place certain parts of the said road, with the view of their being kept in order and repair, under the control of the local municipality in which they are situated, either altogether or partly during the winter season; and the said road shall then be either altogether or only for the period of the year during which they shall have been so placed under the control of the said municipality, maintained by the persons who, under any *procès-verbal* made or to be made by the said municipality, and which they are hereby obliged to make, are or shall be bound to keep them in repair, and no tolls shall be paid to the said company in respect of the road or any part of it which may be so placed for maintenance and repair under the control of the said municipality, but the said road and works so placed, or any of them may be reassumed by the company, and tolls collected thereon, and they may be otherwise disposed of as though they had never been relinquished; provided always, that in no case shall such road or works or any part thereof cease to be the property of the said company.

Company may place portions of their road under municipal control.

Effects of such proceeding.

Proviso.

42. The said company may, on or before the first day of December in each year, take down, or cause to be taken down by the proprietors, to a height of twenty-four inches from the ground, leaving the pickets only above that height, all the fences along the line of the said toll road, excepting along the by-roads where this work shall be done at the expense of the company, and excepting also, in places where the fences are distant at least twenty-five feet from the boundaries of the said road, or in places where hedges have been grown, or fences so constructed, that they cannot be taken down without great expense, and fences so taken down shall not be again set up before the first day of April in the year following.

Power to take down fences in winter.

43. The said company may lay out winter roads on or through any fields or enclosures adjoining the said road, on condition that the company take down and put up, at their own cost, the fences which it may be necessary to take down for that object; excepting, however, all orchards, gardens or yards or other lots of land enclosed by hedges or fences, which cannot be taken down or replaced without great difficulty and expense, across which the said road shall not be laid out without the consent of the occupant.

Winter roads through fields, &c.

Municipality
of Laprairie
may loan
money to com-
pany.

44. It shall also be lawful for the municipality of Laprairie to loan money to the said company out of any moneys belonging to the municipality, and not appropriated to any other purpose, and to effect such loan upon such terms and conditions as may be agreed upon between the said company and the said municipality, and to recover the money so loaned, and to appropriate the money so recovered to the purposes of such municipality.

Communities,
&c., may take
stock, lend
money, vote,
&c.

45. It shall also be lawful for any community or corporation to hold stock in the said company, or to lend money to the said company, any act or law to the contrary notwithstanding, and to appoint a person or persons to vote for such community or corporation upon the shares so held, or to exercise any of its other rights as a member of the corporation in such manner as such community or corporation and the company may agree upon.

After 50 years
Govt. may pur-
chase the road.

46. After fifty years from the time of completing the said road, it shall and may be lawful for Her Majesty to purchase the stock of the said company at the current value thereof at the time of purchase, (to be ascertained by arbitrators to be appointed and to act in the manner hereinbefore provided in other cases, if the company and the lieutenant-governor in council cannot agree upon such value,) and to hold the same for the use and benefit of the province; and the lieutenant-governor in council shall thenceforth stand in the place and stead of the said company, and shall possess all such powers and authority as the said company shall have theretofore possessed and exercised.

Competency
of stockhold-
ers, officers,
&c., as witnes-
ses.

47. In any action or suit brought by or against the said company upon any contract or for any matter or thing whatever, any stockholder or any officer or servant of the company shall be competent as a witness, and his testimony shall not be deemed inadmissible on the ground of the interest or of his being such servant or officer.

Limitation of
actions.

48. If any action or suit shall be brought against any person or persons for any matter or thing done in pursuance of this act, such action or suit shall be brought within six calendar months next after the fact committed, and not afterwards (if the party offending shall be known,) and the defendant or defendants in such action or suit may plead the general issue only, and give this act and the special matter in evidence on the trial.

How company
may answer on
*faits et arti-
cles*.

49. In case of the service upon the said company of any writ of *saisie-arrêt*, or the said company being required to answer to *interrogatoires sur faits et articles*, or to take the

serment décisoire or *supplétoire*, it shall be competent to any officer of the said company, being thereto duly authorized by vote or resolution of the directors thereof, to appear and make declaration to such writ or answers to such interrogatories, or take such oath, as the case may be, for the said company; and such declaration, answers or oath, as the case may be, shall be taken as the declaration, answers or oath of the said company, to all intents whatever; and the production and filing in court by such officer of a copy of such vote or resolution, certified by the secretary of the said company under its common seal, shall be conclusive evidence of his authorization, as in and by such copy set forth; and in case of any execution issuing against the said company, whereupon the said road may be seized, the same may be sold at the sheriff's office of the district of Montreal.

50. All persons, horses or carriages, going to or attending any funeral, or any person with horse or carriage going to or returning from divine service on the Lord's day, or any *fête d'obligation*, shall pass the gates on the said road free of toll, provided it be within the limits of the parish in which they reside; and all persons in the naval or military service of Her Majesty, or in the militia of this province, wearing uniform and being on actual duty, travelling on the said road in discharge of such duty, with their horses and carriages, and all horses, carts, carriages or waggons, in charge of any such persons, conveying any naval, military or militia stores belonging to Her Majesty, in the course of transport from one place to another in Her Majesty's service, and all carriages carrying Her Majesty's mails, and also all vehicles carrying manure and returning therefrom, shall pass the gates set up across the said road free of toll. Exemptions from toll.

51. Nothing in this act contained shall be construed to entitle the said company to demand toll for the horses, cattle or vehicles of any proprietor of land along the line of their road passing any of their gates in going to and fro between parts of the said farm or between two or more farms belonging to such proprietor, nor to oblige such proprietor, to pay tolls for the same or make him liable to any penalty for evading payment of tolls under such circumstances. Further exemptions.

52. Whenever the said road shall intersect a road constructed by any other chartered company, no higher rate of toll shall be demanded from the persons travelling along the said last mentioned road, for the distance travelled between such intersection and either of its termini, than Toll upon roads intersecting this one.

the rate per mile charged by the said company for travelling along the entire length of their road so intersected.

Company shall keep road in repair, under pain, &c.

53. After the said road shall have been completed and tolls been thereon, it shall be the duty of the said company to keep the same in good repair, and in case the said road by the said company be allowed to fall into decay and get out of repair, the said company may be indicted before any court of general quarter sessions in any court of superior jurisdiction, within the district of Montreal; and upon conviction, the court before whom the prosecution shall be had, shall direct the said company to make the necessary repairs, for the want whereof such prosecution shall have been commenced, within such time as to such court shall seem reasonable; and in default of such repairs been made in the manner and within the time prescribed by such judgment, the said company shall be dissolved, and the said road and works shall belong thenceforth to Her Majesty, her heirs and successors, to and for the use of the public, in the same manner as all other public roads, and the powers of the company shall be from thenceforth transferred to the lieutenant-governor in council.

Power to give promissory notes.

54. The said company shall have power to become a party to promissory notes and bills of exchange for sums not less than one hundred dollars; and any such promissory note made and endorsed, and any such bill of exchange drawn, accepted or endorsed by the president of the said company, and countersigned by the secretary and treasurer thereof, under authority of a quorum of the directors, shall be binding upon the said company; and every such promissory note or bill of exchange so made, drawn, accepted or endorsed by the president of the said company, and countersigned by the secretary and treasurer thereof, shall be presumed to have been properly so made, drawn, accepted or endorsed, as the case may be, unless the contrary be shewn; and it shall not be necessary to have the seal of the said company affixed to such promissory note or bill of exchange; nor shall the officers of the said company, signing or countersigning the same, or such acceptance or endorsement thereof, be thereby subjected individually to any liability whatever; provided always, that nothing herein contained shall be held to authorize the said company to issue any note or bill payable to bearer, or intended to be circulated as money or as the notes of a bank.

Liability upon such notes.

Liability of company as to water courses, accidents, &c.

55. The said company shall only be responsible for the maintenance of bridges, on the said road, to the maintenance of which they are bound by this act, and not for any damages resulting from water courses which shall not have

been made by the said company, nor for any accidents that may occur beyond the part of the road macadamized.

SCHEDULE A.

Know all men by these presents, that I, (or we as the case may be,) A. B., of _____, in consideration of _____ paid to me by the _____ the receipt whereof is hereby acknowledged, do hereby grant, bargain, sell, convey and confirm unto the said company, their successors and assigns for ever, all that tract or parcel (or those tracts or parcels, as the case may be,) of land situate, (here describe the lands,) the same having been selected and laid out by the said company for the purposes of their road; to have and to hold the said lands and premises, with all appurtenances thereto, to the said _____ their successors and assigns for ever, (here add clause for release of dower, if any.)

Witness my hand and seal, (or our hands and seals, as the case may be,) this _____ day of _____ in the year of our Lord, one thousand eight hundred and _____

Signed, sealed and delivered in { A. B. [L.S.]
presence of

L. M.
N. O.

SCHEDULE B.

No. _____ £ _____ sterling (or currency, as the case may be.)

This debenture witnesseth that the _____

_____ under authority of the statute of the province of Quebec, passed in the year of Her Majesty's reign, intituled: (here insert title of this Act) _____ are indebted to the bearer hereof, in the sum of \$ _____ equal to the sum of £ _____ sterling, as a loan to bear interest from the date of the issue hereof, at the rate of _____ per centum per annum, payable half yearly on the _____ day of _____ and on the _____ day of _____; which said sum of \$ _____ or £ _____ sterling; the said company hereby bind and oblige themselves to pay on the _____ day of _____ in the year of our Lord, one thousand eight hundred and _____ to the bearer hereof at _____, and also to pay the interest thereon, half yearly as aforesaid, to the bearer hereof at the place aforesaid, on delivery of the coupons therefor, now forming part hereof.

And for the due payment of the said sum of money and interest, the said company, under authority of the said statute, do hereby hypothecate the real estate and appurtenances hereinafter described, that is to say: the whole of the road known as the _____ including all the lands, buildings and real property whatsoever of the said company, and all other appurtenances thereto belonging.

In testimony whereof, A. B., of _____, president of the said company, hath hereto set his signature and affixed the common seal of the said company, at _____ this _____ day of _____ in the year of Our Lord, one thousand eight hundred and _____

A. B. [L. S.]

Countersigned and entered.

C. D., Secretary.

I certify that this debenture was duly presented for en-
registration in the registry office for the county of _____
on the _____ day of _____ in the year of Our Lord, one
thousand eight hundred and _____ at _____ of the clock
in the _____ noon, and is accordingly enregistered in the
register for such debentures, marked _____ at page number
_____ E. F., Registrar.

Issued to L. M., of _____ this _____ day of _____
in the year of Our Lord, one thousand eight hundred and _____
C. D., Secretary.

SCHEDULE C.

Parish of Laprairie Turnpike Road Company.

I, K. L., of _____, one
of the shareholders in the Parish of Laprairie Turnpike
Road Company, do hereby appoint M. N. of _____, my
attorney for me and in my absence to vote in my name
whenever I myself am entitled so to do on all matters
whatsoever proposed at the meetings of the shareholders
of the said company, to be held on the _____ day of _____
one thousand eight hundred and _____ in such man-
ner as the said M. N., may think proper.

In testimony whereof I have signed the present procu-
ration at _____ this _____ day of _____ one thousand eight
hundred and _____ in presence of the undersigned wit-
nesses, or in presence of the undersigned notary public for
the province of Quebec, (*as the case may be.*)