

thereupon executed as though it had been regular in the first instance ;

21. If the judgment is confirmed, the record in the cause together with a copy of the judgment deciding the cause and a certificate of the costs allowed on the appeal, must be transmitted without delay to the court below under the authority of which all the costs incurred are levied even those incurred in appeal ;

22. If the judgment is modified in whole or in part, the record and all the procedure remain in the archives of the circuit court and the judgment pronouncing on the appeal is carried into effect under the authority of such court ;

23. Every appellant who neglects to make the service required, by the subsection fifteen, hereinabove, or, who having made the same, neglects effectually to prosecute the appeal, is deemed to have abandoned such appeal, and the court, on application by the respondent, must declare forfeited all the rights and claim founded on the said appeal, with costs in favor of the respondent, and orders the transmission of the record to the court below ;

24. The securities are bound to satisfy the judgment, under penalty of seizure and execution, and in the same manner as the principal party, fifteen days after service of the judgment upon them ;

25. No appeal lies under the provisions of this act from any judgment rendered by any judge of the superior court or any district magistrate ;

26. No judgment or conviction susceptible of appeal under the provisions of this act, and no judgment or conviction pronounced by a district magistrate can be set aside by *certiorari* before the superior or circuit courts.

## CAP. XLII.

An Act to incorporate the "Sherbrooke Water-Power Company."

[Assented to 24th December, 1870.]

### Preamble.

**W**HEREAS the Honorable John Sewell Sanborn, John Henry Pope, Richard William Heneker, Francis D. Gilbert, Thomas S. Morey, Samuel J. Foss and Robert N. Hall, of the town of Sherbrooke, in the district of St. Francis, have, by their petition, prayed that they might be incorporated under the name of the "Sherbrooke Water Power Company," for the purpose of constructing and securing water-powers within the limits of the said town of Sherbrooke, and for erecting machine shops and factories in connection therewith, and letting and leasing the same,

or carrying on any kind of manufacturing business therein, and that power might be given to the British American Land Company to take and hold stock therein, and it is expedient that the prayer of their petition be granted; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

1. The several persons hereinbefore named and such other persons as may become shareholders in the company to be by this act created, shall be, and they are hereby constituted and declared to be a corporation, body corporate and politic, by the name of the "Sherbrooke Water Power Company," and shall have perpetual succession and a corporate seal, with power to alter and change the same at pleasure, and may sue and be sued, plead and be impleaded in all courts of law, as other corporations may do, and shall have the power to acquire and hold in addition to personal property, real or immovable estate, for the purpose of their business aforesaid.

Certain persons incorporated.

Corporate powers.

2. The said corporation, hereinafter called the "company," shall have the power to acquire lands from any individual, corporation, or company, either by purchase, exchange, donation or lease, and may from time to time sell, lease, or otherwise dispose of the same, and acquire others, and may construct dams, canals, sluices, roads, bridges and crossings within and upon their own lands, and may erect machine shops, factories, tenement houses, warehouses, and sheds, and may occupy, sell or lease the same or any section or portion of the same, and may construct railways or tramways for the purpose of connecting the property to be acquired and held by them under this act with any other railway, and may propel carriages thereon, either by steam or horse-power as may be found most expedient, and all such other works and erections as shall be requisite to give effect to the full intent and meaning of this act.

Power to acquire certain property and to construct certain works, &c.

3. The British American Land Company shall have power to take and hold stock in the said company, and the commissioner of the said British American Land Company, duly authorized to that effect, shall have the right to sign the stock books of the said company on their behalf either for subscription or transmission of shares, and to represent and vote upon said shares of stock at any meeting of the said company.

B. A. Land Company may take shares.

4. The capital stock of the said company shall be one hundred thousand dollars, divided into shares of one hundred dollars each, which shall be and are hereby vested in the several persons who shall subscribe for the same, their legal representatives and assigns.

Capital stock.

5. The said Honorable John S. Sanborn, John Henry Pope, Richard W. Heneker, Francis D. Gilbert, Thomas S.

Provisional directors.

Morey, Samuel J. Foss, and Robert N. Hall, shall be the provisional directors of the said company, with power to open books of subscription for the stock of the said company, and to receive subscriptions for the said stock, and to do such other things relative to the said subscriptions and the management of the affairs of the said company and its organization, as it may be requisite to do, before the first general meeting of the stockholders for the election of directors as hereinafter mentioned.

Meeting for  
election of  
first directors.

6. As soon as the sum of forty thousand dollars of the said capital stock shall have been subscribed and four thousand dollars actually paid in thereupon, it shall be lawful for the provisional directors to call a meeting in Sherbrooke aforesaid, for the purpose of proceeding to the election of directors of the said company, and such election shall then and there be made by the holders of the majority of shares voted upon at such meeting and present thereat, in person or by proxy, and the persons then and there chosen shall be the first directors, and shall be capable of serving until the election of directors at or after the first annual meeting of the company.

Number and  
qualification of  
directors.

7. The affairs of the company shall be managed by a board of seven directors, but no person shall be elected or chosen a director unless he is a shareholder in the company to the extent of at least five shares in his own right, and not in arrears in respect of any calls thereon.

Election of sub-  
sequent direc-  
tors.

8. The subsequent directors of the company shall be elected by the shareholders in general meeting of the company assembled, at such time, in such manner and for such term as by the by-laws of the company may be prescribed.

Power to bor-  
row money.

9. The company may borrow under the authority of this act, and for carrying its provisions into effect, to the extent at any time of its paid up capital, in such sums and at such rates of interest, and for such periods as may be found expedient, and to secure such loan, may give a valid mortgage and hypothec upon the real estate of the said company, signed by the president and secretary thereof, after being duly authorized thereto under the provisions and regulations of the by-laws of the said company.

31 V., c. 24 to  
apply.

10. The several provisions of the Joint Stock Companies' General Clauses Act, passed by the Legislature of Quebec in the thirty-first year of Her Majesty's reign, chapter twenty-four, shall apply to the present Act in so far as applicable thereto.