

How, when, and under what conditions, exchange of such land may be authorize. i.

8. But whenever on application of any such company, after two months' notice first duly given in French and English, in the Quebec Official Gazette, and in some newspaper or newspapers published in or as near as may be to the district wherein its cemetery is situate, it shall be made to appear to the satisfaction of the lieutenant-governor in council, that an exchange of other land therefor, or for any part thereof, is on any public ground desirable, the lieutenant-governor in council may authorize such exchange, subject to all conditions and restrictions which may be deemed advisable whether as to removal of bodies interred or otherwise; and the company may thereupon make the exchange so authorized, and do all other acts thereto requisite or pertinent, whether for removal of bodies interred or otherwise, subject always to such conditions and restrictions, and to all charges and liabilities thence resulting.

How the incorporation of the company shall be alleged in all actions.

9. In any action or legal proceeding it shall not be necessary to set forth the mode of incorporation of the company, otherwise than by mention of it under its corporate name, as incorporated by order in council under this act; and the notice of such order in council in the Quebec Official Gazette, shall be *prima facie* proof of all things thereby declared; and a copy of any document requiring to be registered under this act in the registry office of the county, duly certified by the registrar thereof, shall be *prima facie* proof of the tenor thereof; and no person shall be disqualified as a witness, by reason of his being or having been an officer or member of the company.

Proof of documents, &c.

Lieut-Gov. in council to regulate fees.

10. The lieutenant-governor in council may from time to time establish, alter and regulate the fees to be paid on orders in council and for registration of documents under this act.

Companies to be subject to future legislation.

11. Every company incorporated under this act shall be subject to such further and other provisions as the legislature may hereafter deem expedient.

Name of the act.

12. This Act may be cited as "the Cemetery Companies' incorporation Act of 1870."

## C A P . X X X I I .

An Act to provide for the formation of joint stock companies for Stoning Roads.

[Assented to 1st February, 1870.]

Preamble.

WHEREAS the construction of macadamized roads would contribute to the welfare of the inhabitants of this province, and the improvement of the country, and it

is expedient to grant to the inhabitants of the rural districts greater facilities to construct the said roads; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

**1.** The proprietors of the two-thirds in value of the lands bound to the maintenance of the whole or part of a front road, or the persons bound to the maintenance of the two-thirds of the whole or of any part of any by-road, may, in the manner and form hereinafter provided, apply to the lieutenant-governor in council, for a charter of incorporation to stone such road or part of any road.

Proprietors of lands bound to the maintenance of a road may be incorporated.

**2.** If the road be situate in several local municipalities, the proportion of two-thirds required by the preceding section shall be necessary as regards each separate municipality.

When the road is situate in several local municipalities.

**3.** The application for incorporation shall be by petition, containing:

Application to be by petition.

1. The proposed corporate name of the company;

Contents of the petition.

2. A description of the road to be stoned, the names of the local municipalities through which it will pass;

3. The manner of constructing the road;

4. The names, surnames, additions and residences of the proprietors bound to the maintenance of the road;

5. The value according to the valuation roll of the local municipality of each of the properties bound to the maintenance of the road, and in the case of a by-road the *procès verbal* of apportionment of the said by-road;

6. The capital of the company;

7. The amount of each share;

8. The names, surnames, additions and residence of the provisional directors;

9. The periods at which the calls are to be paid; these periods may vary, according as the company holds or not, as security for their payment, a privilege or hypothec on the property, as hereinafter mentioned;

**4.** The signatures to the petition shall be subscribed before a notary or two witnesses.

Signatures to the petition.

**5.** Previously to its being presented to the lieutenant-governor in council, a copy of the petition shall be posted at the door of the church of each of the parishes through which the road will pass, for a period of at least fifteen days; and shall also be read on two consecutive Sundays after divine service in the morning, and if there be no church in any such parish, then the said notice shall be posted in some public and usually frequented place in the parish, and in all cases, it shall be published during a period of fifteen days, in an English and in a French newspaper published in the nearest locality.

Publication of the petition before its presentation.

Commissioner of public works may require production of information, &c.

Granting of the charter by letters-patent.

Contents of the letters-patent.

Publication of letters-patent in Quebec Official Gazette

Consent of parties interested to be obtained in certain cases.

Tutors, curators, &c., may form part of the company.

Distribution of shares in the company.

Partition in certain cases of the balance not subscribed.

**6.** The commissioner of public works may require the production of any information, documents, evidence and affidavits in order to satisfy himself of the truth of the facts alleged in the petition.

**7.** After the above formalities have been observed and on the report of the commissioner of public works, the lieutenant-governor in council may grant to the petitioners, by letters-patent under the great seal, a charter constituting them a body politic and corporate for the objects set forth in their petition.

**8.** The letters-patent shall recite the principal facts alleged in the petition.

**9.** The letters-patent shall immediately after be published in the Quebec Official Gazette, and from the date of such publication, the petitioners and such others as may afterwards, by virtue of this act, become shareholders in the company, shall be a body politic and corporate, by the name mentioned in the letters-patent.

**10.** If the persons hereby authorized to demand a charter of incorporation, desire to stone a new road, or to change the direction of an old road, they shall obtain the unanimous consent of all parties interested, or in default of such unanimous consent, they shall be bound to obtain a *procès-verbal* of such new road, or of the changes in the old road, in the manner provided by the municipal law.

**11.** Tutors, curators and other administrators, lawfully appointed, religious communities, bodies politic and corporate interested in the road, are hereby authorized to become petitioners and to be shareholders in the company.

**12.** With the consent of the directors, it shall be lawful for all persons, corporations or municipalities, for the space of one month, commencing from the date of publication of the letters-patent, to take such number of shares as they may deem proper, provided the shares so taken do not exceed one half of the capital of the company; and on the expiration of the time above specified, such part of the capital as shall not have been subscribed shall be divided among the petitioners and all other proprietors bound to the maintenance of the road who are willing to join the said company, in proportion to the value of each land bound to the maintenance of the road, if it be a front road, and in proportion to the share of maintenance to which each proprietor is bound if it be a by-road.

**13.** If the road to be stoned, is in part a front road and in part a by-road, the balance of the capital which has not been subscribed for as aforesaid, shall be divided into so many parts or shares, as there are front roads and by-roads in proportion to the length of each of these roads; and that part of the capital which shall represent the front

road, shall be divided between the parties bound to the maintenance of the front road, and that part of the capital which represents the by-road, shall be divided between the parties bound to its maintenance in conformity in all respects with the provisions of the foregoing section of this act.

**14.** The value of properties, in reference to the division of the capital, shall be that given by the valuation roll then in force in the local municipality in which the said properties are situate; if the road should be in two local municipalities of the same county, the value shall be according to the valuation roll of each municipality as revised by the county council according to the provisions of the municipal law.

Determination of the value of properties for such purpose.

**15.** If the valuation roll of the local municipalities through which the road passes has not been revised, or if the municipalities are not situate in the same county, then the directors shall appoint three disinterested persons, who shall ascertain whether the valuation made in each of the local municipalities is in proportion to the valuation in the others, and shall increase or decrease, as may be necessary, the amount of valuation entered on the valuation roll of each of these municipalities by such percentage as may to them appear reasonable to establish a just proportion between the different valuation rolls; and the division of the capital shall be made in accordance with the valuation rolls so revised.

Manner of proceeding when the valuation roll has not been revised.

**16.** So often as it may be necessary for the purposes aforesaid to value any particular property, either by reason of its omission in the valuation roll, or for any other reason whatever, such valuation shall be made by three disinterested persons, of whom one shall be appointed by the directors, another by the person interested, and the third by the two first appointed; and they shall value such property relatively to the valuation of other properties in the said valuation roll.

How the valuation of a particular property shall be made.

**17.** Any changes in the provisions of the letters-patent shall only be made with the consent of the two-thirds of the shareholders, and with the approval of the lieutenant-governor in council.

Consent of shareholders required to change provisions of the letters-patent.

**18.** Whenever changes are to be made in the provisions of the letters-patent, the board of directors, with the consent of the two-thirds of the shareholders, shall present a petition to the lieutenant-governor in council, setting forth the changes asked for, the object of such changes, and the consent of the shareholders, and the lieutenant-governor in council, on the report of the commissioner of public works, may grant supplementary letters-patent amending the first, which supplementary letters-patent shall be

How these changes shall be obtained.

published in the Quebec Official Gazette, and shall take effect from the day of their publication.

Companies may acquire, alienate, &c.

**19.** Any company incorporated as aforesaid may acquire, hold, alienate and transfer any moveable or immoveable property, necessary for the prosecution of their works, and shall have all the privileges and powers necessary for the objects of its incorporation, and the road shall be its property.

Obligation of land-owners along a road.

**20.** All land-owners along a road shall furnish gratuitously the extent of ground required to give the road the breadth required by law.

Company may take certain land along the road.

**21.** The company may, moreover, after due notice given to the proprietor, take from any lands along the road, granting compensation therefor, the ground it may deem necessary to straighten the road, provided that the breadth of ground so taken shall not exceed thirty feet French measure; provided also, that no building be demolished, unless with the consent of the proprietor; and all pieces of ground so taken shall be discharged from all privileges or hypothecs whatsoever; but in the case of any such privilege or hypothec, the indemnity if it exceed the sum of eighty dollars shall be deposited in the hands of the prothonotary of the superior court, and the creditors in such case shall retain their recourse upon the sum so deposited which shall be distributed according to the order of the court or returned to the parties if no claim has been made within a delay of four months: and the company may also take, granting compensation therefor, a piece of land not exceeding one hundred and twenty feet square, same measure, at every place where it may be deemed necessary to erect a toll-house.

Power to explore the country between the termini.

**22.** The company shall have full power and authority to explore the country lying between the termini of the road, and also to sink and maintain in good order on the neighboring or adjacent lands, all such ditches, drains or water courses, as may be necessary for draining the said road, making compensation therefor if need be, in the manner hereinafter provided; and for the purposes aforesaid, the company, its agents, servants and workmen are hereby authorized and empowered to enter in and upon the lands and grounds of any persons, bodies corporate or politic, and to take wherever they may think proper, all stone, soil, sand or other material necessary to the construction and maintenance of the road, the cost thereof and the damages incurred in and about the same being established as hereinafter provided.

To make ditches, &c.

To take materials, &c.

Commutation of the maintenance of the existing road.

**23.** The company may compel all persons bound to the maintenance of the existing road, not being shareholders, to commute such obligation for an annual payment, which

shall be estimated and established as is hereinafter provided, or exempt such persons from any contribution in lieu of such obligation.

**24.** The company may compel all persons, held, by virtue of a *procès-verbal* or otherwise, to the construction and maintenance of bridges over which the road passes, to commute their obligation for an annual rent, according to valuation, as hereinafter provided. Commutation of the maintenance of bridges on the road.

**25.** The company may compel all proprietors of hills bordering the road, to protect them from the ordinary action of ice or of water, within such delay as shall be fixed by the by-laws; and, in default of such protection as aforesaid, the company may complete the necessary works, and recover the cost thereof from the person bound thereto; and whenever too great a portion of the said hills or of the road has been carried away by the action of the ice or otherwise, without any negligence on the part of the proprietor, such proprietor may, by furnishing gratuitously the necessary ground, compel the company to remove the road to a greater distance. Obligation of proprietors of hills bordering the road.

**26.** The company may put up toll-gates, as soon as one mile of the road is made, and collect the tolls established by the board of directors, subject to the provisions of this act. Collection of tolls when one mile of road is made.

**27.** The company shall have power to become a party to promissory notes and bills of exchange; and all promissory notes and bills of exchange signed by the president, or by the person acting in his place, and countersigned by the secretary, with the authority of a quorum of the directors, shall be binding to all intents. The company may become a party to promissory notes, &c.

**28.** The company shall have power to borrow all such sums of money as it may deem necessary for corporation purposes, provided that the amount borrowed does not exceed the capital; and it shall have the power to hypothecate the road and its appurtenances; and it may transfer as collateral security for any such loan, such number of instalments to be called in as it may deem proper; and notice of such transfer shall be given to the parties interested, and such notice shall be deemed equivalent to a regular signification of such transfer. Power to borrow under certain restrictions.

**29.** For obtaining money by way of loan the company may also issue debentures in the form given in the schedule of this act, marked A., or in any other like form, and such debentures need not be passed before notaries; and the registration of any such debentures in the registry office for the county or counties through which the roads runs, shall perfect the hypothec thereby created; and such hypothec shall rank from the date of the registration of such debenture, irrespectively of the date of the issuing Issuing of debentures for money loaned.

Their registration.

thereof; and every such debenture being registered and issued, shall be transferable by delivery and binding to all intents against the said company, 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, and which shall be described in the debentures.

Corporations,  
&c., may lend  
to the company

**30.** Any community, corporation and municipality, is hereby authorized to lend money to any company incorporated under the authority of this act; any law to the contrary notwithstanding.

Privilege of  
the company  
for amount of  
contributions.

**31.** The company shall have a privilege upon the lands or property of all persons bound to the maintenance of the road, and being shareholders to the amount of their contribution on account of such lands.

Privilege for  
amount of com-  
mutation.

**32.** The company shall also have a privilege upon all lands bound to the maintenance of the road, for all arrears of rent of commutation of such maintenance not exceeding three years of such arrears.

Rank of these  
privileges.

**33.** Notwithstanding the provisions of the articles 2009 and 2015 of the civil code, the privileges mentioned in the two preceding sections shall rank immediately next after municipal rates and assessments, and a sale on execution shall not free the lands sold from the privilege of the company for payment of instalments not yet due and of annual rent to become due.

Affairs of the  
company to be  
managed by  
the directors.

**34.** The affairs, stock and property of the company shall be managed and conducted by the board of directors, to be annually elected according to the provisions of this act.

Place and time  
of the annual  
general meet-  
ings.

**35.** The annual general meetings shall be held at such place and time as shall be appointed by the by-laws; provided always, that it be within the limits of the municipalities through which the road runs, and at such meeting the directors shall be chosen.

General meet-  
ings called in  
certain cases.

**36.** The directors may at any time, at the request of ten shareholders, call a general meeting, by public notice, in which the object of the meeting shall be stated.

Voting at  
general meet-  
ings of share-  
holders.

**37.** All questions at general meetings of the shareholders shall be decided by a majority of votes which the shareholders present are entitled to; the number of votes of any shareholder shall be in proportion to the shares held by him, namely, one vote for each share; but no fraction of a share will entitle the holder to a vote. In case of an equal division of votes, the president of the company, or in his absence, the person presiding at the meeting, shall have a casting vote.

Qualifications  
of directors.

**38.** No shareholder shall be elected a director unless he has paid up all instalments due.

**39.** The directors shall choose their president, and should any vacancy in the board arise by death or otherwise, the remaining directors may elect a qualified shareholder to fill such vacancy until the next annual general meeting of the company.

Choosing of the president.

How vacancies shall be filled.

**40.** The directors shall have power;

Powers of the directors.

1. To collect and to sue, in the name of the company, for the recovery of the calls made and other debts due;

2. To accept hypothecs in security for the payment of shares from shareholders who do not hold any land bound to the maintenance of the road, and the accepting of such hypothecs shall insure to such shareholders the right to make payment of their calls in the same manner and at the same times as the shareholders who are proprietors bound to the maintenance of the road;

3. To regulate the tolls, which shall not exceed the rates mentioned in schedule B;

4. To commute with the shareholders for toll on such terms and conditions they deem proper;

5. To compel all proprietors along the road to take down their fences from the first of December to the first of March, and if any such proprietor refuse to take down his fences, he shall re-imburse the company the extra expense of maintaining the road caused by such fences, such extra expense to be established by arbitrators;

6. Lastly, to make by-laws not contrary to the provisions of this act or to the laws of the country.

**41.** All persons, with horses or carriages going to or attending any funeral, or any person with horse or carriage going to or returning from Divine service on any Sunday or holiday, 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 Canada, wearing uniform, and being on actual duty, travelling on such road in discharge of such duty, with their horses and carriages, and all persons with vehicles carrying manure, and returning therefrom, shall pass free of toll.

Exemption from payment of tolls.

It shall be lawful for the lieutenant-governor in council to authorize persons on public service to pass over the roads free of toll.

**42.** Notwithstanding all the provisions of the civil code, and namely, the articles 297, 298, 343 and 953, it shall be lawful for all corporations, aggregate or sole, communities, institutes, tutors, curators, executors, administrators, and all other representatives or persons whatsoever, not only for themselves, their heirs and successors, but also for and on behalf of those whom they represent, whether born or unborn, lunatics, idiots, femes-covert,

Corporations, &c., may sell lands to the company.

or other person or persons who are or shall be seized, possessed of, or interested in any lands or grounds which the company may require for the purposes of the said road, to contract for, sell and convey to the said company all or any part of such lands 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 any wise notwithstanding; and all such corporations or communities, or 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.

Agreements with proprietors owning undividedly.

**43.** Whenever any land or property shall belong undividedly to several persons, any agreement made in good faith between the company and any proprietor or proprietors, owning undividedly two-thirds or more of such land or property, as to the amount of compensation to be allowed for the same or for any damages thereto, shall be binding as between the remaining proprietors and the company; and the proprietor or proprietors who have so agreed, may deliver possession of such land or property to the company, or empower them to enter upon the same, as the case may be.

Appointment of three arbitrators in certain cases.

**44.** In case of disagreement between the company and any party interested, and whenever the company by the exercise of its powers may have rendered a valuation necessary, such valuation shall be made by three arbitrators, of whom one shall be appointed by the company, another by the person or persons interested, and the third arbitrator by the two first, and the said arbitrators, in the valuation they may make of the value of any lands the company may take to straighten the existing road, shall take into consideration and allow for the benefit to accrue to the party to whom compensation is to be made from the same.

When the party interested is absent.

**45.** Whenever the party interested shall reside beyond the limits of the district, then, upon a petition presented by the company, accompanied by an affidavit of some officer of the said company that such party cannot be found in the district, any one of the judges of the superior court, may appoint an arbitrator for such interested party.

Duties and powers of the arbitrators.

**46.** The arbitrators, previous to entering on their duties, shall be sworn before a justice of the peace; they shall have power to summon witnesses and to examine the parties on oath, and their award or that of the majority of them shall be final and conclusive; provided that no such award shall be made, or any official act done by such majority, except at a meeting fixed by an adjournment at which

Proviso.

such third arbitrator was present, or at a meeting of which the the third arbitrator shall have had at least one clear day's notice.

**47.** The company may, previously to the appointment of arbitrators, offer a compensation to the opposite party, and whenever the amount awarded by the arbitrators does not exceed that offered by the company, the costs of arbitration shall be borne by the opposite party, otherwise they shall be paid by the company. Offers by the company to the opposite party.

**48.** Upon payment or legal tender of the compensation 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 office of the prothonotary of the superior court, when the party shall reside without the district, the award shall vest in the company the power forthwith to take possession of the lands, or to exercise the right, or to do the thing for which such compensation was awarded; and if any resistance or forcible opposition is 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 bailiff, or other person to whom it may appertain, to put the said company in possession of such lands and to put down such resistance or opposition, which said sheriff or bailiff or other person, taking with him sufficient assistance, shall accordingly do, the whole at the cost of the proprietor refusing to yield such possession. When the company may take possession.

**49.** For the purposes of this act the company shall cause a map or plan of the road to be made; and also a book of reference containing a general description of the lands bound to the maintenance of the road, and the names of the proprietors or occupants thereof, which map or plan and book of reference shall be certified by the commissioner of crown lands or his deputy, and copies thereof shall be deposited in the office of the secretary of the province, and of the registrars of the counties through which the road shall run, and a copy thereof given to the said company; and access shall be given at all times to such copies, and extracts may be obtained by any person whomsoever at the rate of ten cents for every hundred words; and the said copies of the said book and of the said plan so certified, or true copies thereof certified by the said secretary of the province, or by the said registrar, shall be legal *prima facie* evidence in all courts of justice and elsewhere. Plan and book of reference to be made and deposited.

**50.** No person shall in any manner obstruct the road, or shall leave any vehicle or horse thereon, unless under the charge of a proper person, or shall permit his cattle to stray over the same, or shall pass through the gates without pay- Penalty for damages and obstructions to the company's works, &c.

ing the tolls, or shall, after having gone over a part of the said road, leave the same with a view to elude the payment of toll, or shall allow any person to pass through or over his land with any vehicle or cattle, with the intention of evading the payment of toll, and any person contravening any provision of this section shall on conviction be liable to a penalty of not less than one dollar, nor exceeding ten dollars.

The company may sue or be sued.

**51.** The company may sue or be sued in any court of justice in this province.

Shareholders, officers, &c., may be competent witnesses.

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

Limitation of actions under this act.

**53.** All suits or actions for any offence against the provisions of this act, shall be instituted within six months.

Proceedings in such suits.

**54.** All actions or suits for infractions of the provisions of this act shall be brought before any justice of the peace having jurisdiction, and shall be decided in a summary manner; and the fines and forfeitures shall and may be levied and collected by distress and sale of the offender's goods and chattels, under the authority of any warrant of distress for that purpose, to be issued by the justice of the peace before whom the case shall have been tried; and in case there shall be no goods or chattels to satisfy such warrant, such offender or offenders shall and may be committed to the common gaol of the district for any period not exceeding one month; and the amount of such fines shall be divided between the company and the local municipality in which the offence shall have been committed.

Levying of fines.

**55.** The calls due by shareholders, and for which the company shall have a privileged claim on the lands under the provisions of this act, and also the amount of commutations which the company is empowered to demand by virtue of the same provisions, shall be sued for and recovered before any court of justice of competent jurisdiction, and may be collected by an ordinary writ of execution, and, after judgment obtained and the sale of the goods and chattels, it shall be lawful for the company, or its assigns, before the first day of December of each and every year, to transmit to the secretary-treasurer of the county a list, showing:

Suits for recovery of unpaid instalments.

**55.** The calls due by shareholders, and for which the company shall have a privileged claim on the lands under the provisions of this act, and also the amount of commutations which the company is empowered to demand by virtue of the same provisions, shall be sued for and recovered before any court of justice of competent jurisdiction, and may be collected by an ordinary writ of execution, and, after judgment obtained and the sale of the goods and chattels, it shall be lawful for the company, or its assigns, before the first day of December of each and every year, to transmit to the secretary-treasurer of the county a list, showing:

1. The description of all the lands on which any calls or commutation money shall be due under and by virtue of this act, together with the names in full of the owners;

2. Opposite to the description of each of the lands, the amount of the calls due, and of the annual commutation money due and unpaid ;

And such lands shall be sold by the secretary-treasurer of the county council according to the provisions of the municipal law respecting the sale of lands for taxes, and such sales shall have the same effect as sales made for taxes, and the owners thereof, or any other person in the name of the owner, may redeem the said lands in the manner and form provided in and by the said municipal law.

**56.** After the road shall have been completed and tolls established thereon, it shall be the duty of the said company to keep the same in good and sufficient repair, and in case it should allow the road to fall into decay and get out of repair, it may be sued in the superior court of the district, and if the said company be convicted, the court before whom the proceedings shall be had shall direct it to make the necessary repairs, for the want of which such prosecution shall have been brought, within such time as to such court shall seem reasonable; and in default of such repairs being 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 or works, and shall thenceforth be subject to all road laws and laws affecting public works, and the powers of the company shall be from thenceforth transferred to the lieutenant-governor in council.

Repair of the road.

**57.** Any local municipality, provided the road is entirely within its limits, and any county municipality, if the road is comprised within two or more local municipalities may, by mutual agreement, acquire the road from the company, and such municipality shall be thenceforth subject to all the obligations of the company.

Municipalities may acquire by mutual agreement.

**58.** Whenever a road is acquired by virtue of the powers contained in the preceding section, the amount paid by the municipality shall be, after deducting the debts and obligations of the company, divided between the shareholders in proportion to their respective investments.

Division of the amount paid in this case.

**59.** Any two or more companies, incorporated by virtue of the provisions of this act, may by and with the consent of two-thirds of the shareholders of each company, and with the approval of the lieutenant-governor in council, on the report of the commissioner of public works, unite into one company, on such conditions as shall be agreed on between them, and the name of the new company shall be approved by the lieutenant-governor in council, and published in the Quebec Official Gazette.

Union of several companies in one.

Publication of notices required by this act.

**60.** Every public notice required by this act shall be made and posted at the doors of the churches of the parishes in which the road is situate, after Divine morning service, three days at least previous to the day fixed for any meeting of shareholders or for any purpose mentioned in the notice, and the secretary of the company shall send a written notice, posted at least eight days before the day appointed for the meeting, to each shareholder residing without the limits of the said parishes.

Service of other notices.

**61.** All other notices required by this act shall be served on the party or parties interested three clear days in advance.

Roads must be completed within five years.

**62.** All or any road authorized to be made under the provisions of this act, shall be commenced within the year from the date of the charter, and shall be completed within the five years next after the date of such charter.

#### SCHEDULE A.

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

Schedule.

This debenture witnesseth that the (*name of the company*) incorporated under authority of the statute of the province of Quebec, passed in the thirty-third year of Her Majesty's reign, intituled: "An act to provide for the formation of joint stock companies for stoning roads," is indebted to the bearer hereof in the sum of                      sterling (*or currency as the case may be,*) as a loan, to bear interest from the date of the issue hereof, at the rate of                      per centum per annum; which said sum of                      sterling (*or currency, as the case may be,*) the said company hereby binds and obliges itself to pay (*terms of payment,*) and also to pay the interest thereon 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, hereby hypothecates its real estate and appurtenances hereinafter described, that is to say, the road known as the                      including all 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.



