

C A P . L V .

An act to incorporate The Montreal Northern Colonization Railway Company.

[Assented to 5th April, 1869.]

WHEREAS Robert J. Reekie, Duncan Macdonald, Peter S. Murphy, David Pelletier, Charles J. Coursol, Louis Beaubien, Charles Legge, Godfroi Laviolette, E. Lefebvre de Bellefeuille, have, by their petition, prayed that they, as well as their legal representatives, and such other persons as may, together with them, become shareholders in the said company, be incorporated for the purpose of constructing a railway from the city of Montreal, from or near the place called Mile End, to or in the direction of St. Jerome, in the district of Terrebonne, and further northwards, and as far as the interests of colonization may require, or as it may be deemed useful, and of the working of the said railway when completed; 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 persons above mentioned, together with such other persons as may become shareholders of any share or shares in the company to be created under this act, shall be and are hereby constituted and declared to be a body politic and corporate, by and under the name of "The Montreal Northern Colonization Railway Company," and they shall constitute such corporation, and shall have perpetual succession and a corporate seal, with power to alter and modify the same at their pleasure, and to plead and be impleaded, answer and be answered unto, defend and be defended in all courts of justice, to purchase and hold lands and real estate, and also to sell, alienate, exchange or lease such lands and real estate.

2. The company is hereby authorized to lay out, and construct, make and finish, run and work a wooden or iron railway, from the place called Mile End, in the parish of Montreal, near the city of Montreal, with the right of continuing the said railway to the city of Montreal and to the harbor in the municipality of Hochelaga, across the island of Montreal, to or near the village of Sault-au-Récollet; thence across the river des Prairies or southern branch of the Ottawa to a point being either within one hundred feet above or below the bridge belonging to *Messieurs* Vinet and Company or by traversing the island known as "Isle Lachapelle" now being the property of Mr. Bazile Piché, over a bridge to be built as hereinbelow mentioned;

Preamble.

Certain persons incorporated.

Power to construct railway over a certain line.

thence across the Isle Jesus, as far as the river of Mille Isles, to or near the village of Ste. Rose, or St. Eustache, or any intermediate place; from thence across the river of Mille Isles, or north branch of the Ottawa, over a bridge to be erected as hereinafter stated, to the village of St. Jerome, in the district of Terrebonne, with such curve lines or deviations as may be deemed necessary for the purpose of continuing the said railway to or near the village of Ste. Therese, or the village of St. Janvier, or through any other such places as the company shall decide upon laying out the said railway. From the village of St. Jerome the said railway may be continued further northwards, either following the course of the North River, (*Rivière du Nord*,) so as to have stations at or near the places called St. Sauveur, Ste. Adèle, Ste. Agathe, or through the township of Kilkenney into Rawdon so as to unite with the Lanoraye and Rawdon railway. And for the working of the said railway, it shall be lawful for the said company to use steam-engines or horse-power on part or whole of the said line, and the said company is also hereby empowered to lay out and construct a double track, on part or the whole of the said railway, if deemed necessary by the directors. And the guage of the said railway shall be of the breadth to be determined by the directors of the said company; and the building of the said railway may be commenced at such point or points of the main trunk, or of the branch lines thereof, as shall be decided upon by the directors of the said company.

Description of
railway.

Branch roads.

3. The said company is also empowered to lay out, construct, make, finish and run branch roads at such point or points from the main line to such places as may be hereafter determined upon through or near St. Eustache, Ste. Scholastique, Lachute, Grenville, and to continue the said railway so as to unite with the Carillon and Grenville railway, under the conditions hereby established for the said main line. And the said railway may be constructed beyond the limits of the district of Terrebonne, towards the city of Ottawa, so as to unite with such other railway as may hereafter be built by "The Canada Central Railway Company," or by any other company duly authorized to construct a railway from the said city of Ottawa towards the city of Montreal.

Land for
stations.

4. The said company is empowered to take and appropriate, for its stations or depots, where such stations or depots may be required for any of the works, by this act authorized, lands to the extent of twenty acres, without the consent of the proprietor or proprietors thereof, but otherwise subject to the provisions of the Quebec Railway Act, 1869, in that behalf.

Bridges for the

5. The company shall have the right to build all such

bridges as shall or may be deemed necessary for the said railway, or any of its branch roads, over any part of any river; but the company shall not commence the construction of any bridge over any river or stream exceeding fifty yards in breadth, at high water, until the plans thereof, and of all the works connected therewith, shall have been submitted to the lieutenant-governor in council and by him approved. Provido. Provided that nothing herein contained shall be construed to authorize the said company to interfere in any way with the navigation of the said rivers; and provided further that public notice shall be given in the *Official Gazette* under the signature of the provincial secretary of the said plans being submitted to the lieutenant-governor in council and that the said plans shall remain deposited in the office of the commissioner of public works for the period of three months before being so approved.

6. None of the bridges to be thus constructed by the company, shall be adapted to the passage of horses, animals, vehicles or passengers except in the trains of the said company but such bridges shall be so constructed as not to obstruct the navigation of the rivers over which they shall be built, nor to impede the passage of any rafts that may be brought down the said rivers, and the principal arch of the said bridge crossing over the channel, shall not be less than two hundred feet, if the said bridge is not erected at a distance of one hundred feet from the said bridge, and if the bridge to be erected is so erected at a distance of one hundred feet, from the present bridge, the piers to be erected shall correspond with the piers of the bridge now already erected there, with regard to the distance between the piers. Provido. Provided always that should it be deemed necessary by the board of trade of the city of Quebec, the company shall be bound and obliged to place sufficient booms on each side of the principal channel to facilitate the passage of rafts under or beneath the main or principal arch, the whole under and in conformity with instructions of the commissioner of public works of this province; and the company after having erected the said bridge in conformity with the plans approved by the lieutenant-governor in council shall not be liable for any damages suffered by rafts or otherwise.

7. The said company shall also have the right to establish a telegraph line along the whole extent of the said railway, at such places along the said line, and with offices at such places, as shall be determined upon by the directors, and the said telegraph may be used by the public generally, in conformity with the rules and regulations that the company may adopt; the whole subject to the provisions of chapter sixty-six of the consolidated statutes of Canada. Power to establish a telegraph line.

Prosecution and punishment of persons injuring &c., railway or works.

8. If any person or persons shall wilfully, or maliciously, or to the prejudice of the said company, break down, damage or destroy any works, machine, or device to be erected or made by virtue of this act, or do any other wilful act, hurt or mischief, to disturb or prevent the carrying into execution, or completing, supporting or maintaining the said railway or works hereinbefore referred to, every such person or persons so offending may be summoned by the president or any of the officers of the said company to be and appear before any one of the justices of the peace for the district in which such offence shall have been committed, and on proof of such offence to the satisfaction of the said justice, such person or persons shall be adjudged and condemned to pay a fine or penalty not exceeding fifty dollars and costs, which shall be levied in due course of law, and in default of paying such fine and costs within fifteen days after judgment, the person or persons so offending shall be imprisoned in the common gaol of the district within which such offence shall have been committed for a period not exceeding three months.

Form of deeds of sales of lands.

Mode of registration.

9. All deeds and conveyances for lands to be conveyed to the said company for the purposes of this act, shall and may, as far as the title to the said lands or the circumstances of the party making such conveyance will admit, be made in the form given in the schedule of this act marked A, and need not be executed before a notary. And for the due registration of the same, the said company is hereby required to furnish, at its own expense, to the registrar of each county wherein such deeds and conveyances must be enregistered, a book containing copies of the form given in the said schedule A, one to be printed on each page, leaving the necessary blanks for each case of conveyance, and in such book to enter and register the said deeds upon production thereof, and proof of execution, without any memorial, and to minute such entry on the deed; and the company shall pay the said registrar for so doing the sum of fifty cents and no more; which said enregistration shall be held and deemed to be valid in law,—the provisions of any act for the enregistration of deeds now in force in this province to the contrary notwithstanding.

Capital of the company.

Application thereof.

10. The capital stock of the company shall be half a million of dollars, to be divided into fifty thousand shares of ten dollars each, with the right of increasing the said capital stock to two millions of dollars when deemed advantageous by a majority of the stockholders of the said company. The said capital stock shall be raised by the persons and corporations who may become shareholders in such stock; and the said money so raised shall be applied, in the first place, towards the payment and discharge of all fees, ex-

penses and disbursements for procuring the passing of this act, and for making the surveys, plans and estimates relating to the works hereby authorized, and all the remainder of such money shall be applied towards making, constructing, maintaining and working the said railway and its branch roads, and for no other purpose whatsoever incompatible with this act or the law.

11. All manufacturing companies or other companies carrying on business in whole or in part in the city of Montreal, or at any place within the limits of the counties of Hochelaga, Laval, or the district of Terrebonne, whether incorporated by special or general act, may, by a vote of the shareholders representing at least three-fourths in value of the shares, but not otherwise, subscribe or otherwise purchase and hold any number of shares in the capital stock of the said company, and may divest themselves thereof by transfer in the form hereinafter provided.

Certain companies may take shares.

12. Whenever any municipality interested in the said railway shall take shares in the said company or lend moneys thereto on mortgage under the terms of the Quebec railway act, 1869, such municipality shall not be bound to pay any instalment required by the directors of the company until the works of the said company shall have been commenced within the limits of the said municipality.

When municipalities may be required to pay their instalments.

13. The said Robert J. Reekie, Duncan Macdonald, Peter S. Murphy, David Pelletier, Charles J. Coursol, Louis Beaubien, Charles Legge, Godfroi Laviolette, E. Lefebvre de Bellefeuille, are hereby constituted and appointed the first directors of the company, and until others shall be appointed as hereinafter prescribed, they shall constitute the board of directors of the said company, with power to fill any vacancies that may occur therein, to open stock books and make a call on the shares therein subscribed, to call a meeting of subscribers for the election of directors in the manner hereinafter provided and with all such other powers as, by Quebec Railway act, 1869, and the act thirty-first Victoria chapter twenty-four of the statutes of Quebec, are conferred upon such board of directors.

Provisional directors.

14. When and so soon as one hundred thousand dollars of the said capital stock shall have been subscribed, the company may enter upon its duties; and it shall be lawful for the said directors, or a majority of them, to call the general meeting of the shareholders at such place and time as they shall think proper, giving at least thirty days' public notice of the same in the *Quebec Official Gazette*, and also a previous notice not less than fifteen days in two newspapers published in the city of Montreal,—one in the French language and the other in the English language,—and at such meeting, such number

Meeting for election of first directors.

of the directors as shall be fixed by a by-law of the company shall be elected to act until the annual general meeting, and until their successors shall have been appointed; and at each such meeting any municipal or other corporation holding shares in the said company to the amount of five thousand dollars or more, and not being in arrears for any calls on their shares, may act at such election as any other shareholder, and shall be each represented at such meeting by some one person authorized by them for such purposes.

How corporations may act at such meetings.

15. The annual general meetings shall be held on the first thursday of June each year after the first meeting hereinabove mentioned, or on such a day and at such place as shall be appointed by any by-law, and at such meeting the shareholders there present shall, in manner hereinafter mentioned, elect such number of directors as shall have been prescribed by the by-laws of the company, which number shall not be less than five nor more than nine, and notice of such annual meeting shall be published one month previously in the *Quebec Official Gazette*, or in any other manner that may be prescribed by the by-laws of the company.

Meetings for election of subsequent directors.

16. No person shall be chosen or appointed director unless he hold, in his own name and right, shares in the capital stock of the said company to the amount of two thousand dollars, and have paid up all calls on such shares.

Qualification of directors.

17. Three of the said directors shall form a *quorum* for the transaction of business; and the said directors shall choose among themselves a president and a vice-president, and may employ one of their number as managing director, who may have a salary to be determined by the board of directors.

Quorum of directors,

18. The directors shall have all the powers mentioned in the statute thirty-first Victoria chapter twenty-four, of the province of Quebec.

Powers of directors.

19. Municipal corporations subscribing for stock in the capital stock of the said company shall be represented by the mayor and warden of such corporations for the time being, or by such persons as may be specially appointed by each municipality, according to a by-law for that purpose.

Corporations how represented.

20. Each shareholder shall be entitled to a number of votes equal to the number of shares he shall have had in his own name at least two weeks prior to the time of voting; provided that no party or parties shall be entitled to vote at the meetings of shareholders who shall not have paid up all the calls due upon his or their stock, at least eighteen hours before the hour appointed for such meeting.

Voting.

21. It shall be lawful for the directors of the said company, from time to time, to fix, regulate and receive the tolls and charges to be received for the transmission of property or persons on the said railway, subject always to the approval of the lieutenant-governor in council, and to be published in the *Quebec Official Gazette*.

Directors to fix rate of charges.

22. In case of refusal or neglect to pay the toll or freight due to the said company on any goods, the said company shall have the power to detain the same until payment of such toll or freight be made, and in the meantime such goods shall be at the risk of the owner ; and if such goods be of a perishable nature, the said company shall have the right to sell the same forthwith on the certificate of two competent persons establishing the fact of their being so perishable ; and if such goods be not of a perishable nature, and shall remain unclaimed for a period of twelve months, it shall be lawful for the said company, after giving one month's notice in two newspapers, one in the french language and the other in the english language, published at or nearest the locality where such goods may be, to dispose of the same by public auction, and to hand over to the owner the produce of such sale if he shall claim the same, after the deduction of the said tolls and freight and of the expenses incident to any such sale.

Detention of goods for non payment of charges.

Sale of perishable goods.

23. The said company shall have power to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars ; and any such promissory note made or endorsed, and any such bill of exchange drawn, accepted or endorsed by the president or the vice-president of the company, and countersigned by the secretary and treasurer, and under the authority of a majority 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 or vice-president of the said company, and countersigned by the secretary and treasurer as such, after the passing of this act, shall be presumed to have been properly made, drawn, accepted or endorsed, as the case may be, for the company, until the contrary be shown ; and in no case shall it be necessary to have the seal of the company affixed to any such promissory note or bill of exchange ; nor shall the president, vice-president or secretary and treasurer of the company so making, drawing, accepting or endorsing any such promissory note or bill of exchange be thereby subjected individually to any liability whatever.

Power to issue promissory notes.

Without individual liability of persons signing.

24. In the borrowing of moneys by way of loan, the debentures of the said company shall and may be in the form contained in the schedule B annexed to this act, or in any other form similar thereto, and need not be before

Form of debentures.

Hypothec. a notary, and shall have the effect of creating a hypothec and mortgage upon the said railway and the lands and property thereof, and the registration at full length of a debenture (without the interest coupons thereto attached) in the said form in the registry office for the counties in which part of the said railway may lie, which said registration for the purposes of this act and of the loan to be made in virtue thereof, shall be held and deemed to be a special registration of the said railway and of all the lands and property thereof, in each county or locality through which such railway may pass or lie, shall perfect the hypothec and mortgage created by such debenture as regards all parties whatsoever, and the debenture and hypothec and mortgage thereby created shall be to all intents and purposes binding upon the said company in favor of the holder of the debenture, and have the effect of mortgaging and charging all the lands and property of the said company without any other more formal or particular description, but the description in the said schedule B shall be held to comprehend all the lands and tenements of the said company, all wharves and buildings of every nature thereon, and, in short, all the immoveable estate belonging to the said company, including the rails and iron thereto affixed, any law or usage to the contrary notwithstanding.

Cancelling of debentures.

25. If after the registration in the registry office of the said county of a debenture of the said company creating a mortgage and hypothec, such debenture shall be presented at the said registry office with the word *cancelled* and the signature of the president, or other duly authorized director of the said company, or of the secretary and treasurer of the said company, written across the face of the said debenture, the registrar or his deputy, on receiving the fee of twenty-five cents in that behalf, and on proof of the cancellation by the oath of one credible witness, (which oath the registrar or his deputy 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 the cancelled debenture shall be filed and remain of record in the said registry office.

Mode of registration.

26. And to facilitate the registration of the debentures of the said company creating a hypothec and mortgage and the cancellation thereof,—be it enacted that they, if they deem proper, may, at their own expense, deposit in the said registry office wherein such their debentures are hereby required to be registered, any number of their printed blank debentures in the form of the said schedule annexed to this act, without its being necessary to add the

coupons thereto, bound together in a book, and having the pages thereof numbered and signed by the secretary of the company, and thereupon the registrar or his deputy shall be bound to receive and retain the same as one of the registry books of his office, and to register therein the said debentures of the company instead of registering them in the ordinary registry books of the office, receiving for the registration of each such debenture a fee of twenty-five cents and no more; any ordinance or law to the contrary notwithstanding.

27. It may and shall be lawful for the said company to cross, intersect, join and unite their railway with any other railway, at any point on its route, and upon the lands of such other railway, with the necessary conveniences for the purpose of such connection, and the owners of both railways may unite in forming such intersection and in granting the facilities therefor; and in case of disagreement upon the amount of compensation to be made therefor, or upon the point or manner of such crossing and connection, the same shall be determined by arbitrators to be appointed by one of the judges of the Superior Court for the province of Quebec.

28. It shall be lawful for the said company to enter into any agreement with any other railway company in this province, for leasing the said railway or any part thereof, or the use thereof, at any time or times to such other company, or for leasing or hiring out to such other company any locomotives, cars, carriages, tenders or other moveable property of the said company, either altogether or for any time or times, or occasions, for leasing or hiring from such other company any railroad or part thereof, or the use thereof at any time or times, or for leasing or hiring from such other company any locomotives, cars, carriages, tenders or other moveable property, or for using either the whole or any part of such other railroad, or of the moveable property of such other company of the railroad and moveable property of such other company, in common by the two companies, or generally to make any agreement or agreements with any such other company touching the use by one or the other, or by both companies, of the railroad or moveable property of either or of both, or any part thereof, or touching any service to be rendered by the one company to the other, and the compensation therefor; and any such agreement shall be valid and binding, and shall be enforced by all courts of justice in this province according to the terms and tenor thereof.

29. And whereas it may conduce to the interests of the said "The Montreal Northern Colonization Railway Company," hereafter to unite and form a junction and amalgamation with other railway companies in this province; Be

Intersecting
or joining with
other railways.

Agreements
with other
railways for
mutual use of
property, track
&c.

Preamble.

Power to amalgamate with other companies.

it enacted, that it shall be lawful for the said "the Montreal Northern Colonization Railway Company" to form such union, junction and amalgamation at any time hereafter, with any other company which is also hereby authorized to form such amalgamation upon such terms and conditions as may be agreed upon at a general meeting of the stockholders of the said company specially convoked for that purpose by a majority of such stockholders, and thereafter the companies thus united and amalgamated shall form but one and the same company upon the terms, stipulations and conditions agreed upon between the said companies. And for the purpose of effecting such amalgamation, the other companies with which this said company may consent to be amalgamated, are hereby authorized to stipulate and determine the conditions of such amalgamation at a general meeting of their stockholders specially convoked for that purpose by a majority of such stockholders.

Same power to said other companies.

Agreements with Montreal city passenger railway for mutual use of tracks, &c.

30. It shall be lawful for the said company, and for the Montreal city passenger Railway Company, to enter into any agreement or agreements for the use by the one or the other of said companies or of both companies at the same time of the railroad of such other company or of any part thereof, or of any station, cars, or any other moveable or immoveable object of either of such companies or of both such companies, or touching any service to be rendered by the one company to the other, and the price or compensation for such services; or for the construction of one or more branch roads, one or more tram-ways in order to facilitate the junction of the railroads for both companies; and any such agreement, executed in due form of law by the two companies, shall be valid and binding and shall be enforced by all courts of justice according to the terms and tenor thereof; and if any such agreement be entered into between the two companies, the cars and rolling stock, but not the locomotives, of the Montreal Northern Colonization Railway Company may use and pass along the track of the Montreal City Passenger Railway and *vice versa*. The company may, after being authorized to that effect by the corporation of the city of Montreal, lay a track in any street parallel with St. Lawrence street in the said city as far as Craig street, so as to run its cars as far as Craig street aforesaid.

Power to acquire, lease &c. lands for certain purposes and to sell the same or the produce thereof.

31. It shall be lawful for the said company, from time to time, to purchase, lease, detain, hold, receive and use any lands along, or in the vicinity of, or separated from the railway track of the said company, and if separated from the said track, with the right of passage to communicate therewith, that it shall please her majesty or any person or corporation to give, grant, sell or make over to the said companies; and it shall be lawful for the said com-

pany to cut down timber and to extract out of the ground gravel or stone on the said lands to be used for the building, maintaining or working of the said railway, or to be sold; to establish thereon stations, tram-ways, branch roads, work-shops, wood-yards and quarries; and to sell the firewood and lumber that may be cut down on such lands, and from time to time to sell or dispose of such portions of the said lands as may not be required by the company for the procuring of gravel or the erection thereon of tram-ways, branch lines, wood-sheds, stations, work-shops. or for any other need of the said company; and the said company shall have generally the power of buying, transporting and selling fire-wood.

SCHEDULE A.

FORM OF CONVEYANCE.

Know all men by these presents, that I, A. B. of Form of conveyance.
(name also the wife, if any,) do hereby, in consideration of *(here state the sum)* paid to me by "The Montreal Northern Colonization Railway Company," the receipt whereof is hereby acknowledged, grant, bargain, sell, convey and confirm unto "The Montreal Northern Colonization Railway Company," their successors and assigns forever, all that certain tract or parcel of land situated, *(here describe the lands,)* the same having been selected and laid out by the said company for the purposes of their railway; to have and to hold the said lands and premises, together with the appurtenances thereto, to the said "the Montreal Northern Colonization Railway Company," their successors and assigns forever, *(here the release of dower, if any.)*

Witness my *(or our)* hand *(or hands)* seal *(or seals)* this
 day of one thousand eight
 hundred

Signed, sealed and delivered at A. B. (L. S.)
 of in presence

SCHEDULE B.

FORM OF DEBENTURE.

"The Montreal Northern Colonization Railway Company." Form of debenture.
 Number \$

This debenture witnesseth that "The Montreal Northern Colonization Railway Company," under the authority of the provincial statute passed in the year of Her Majesty's reign, intituled: "An act to incorporate the Montreal

Northern Colonization Railway Company," have received from _____ of _____ the sum of _____ as a loan, to bear interest from the date hereof, at the rate of _____ per centum per annum, payable half-yearly on the _____ day of _____ and on the _____ day of _____ which sum of _____ the said company bind and oblige themselves to pay on the _____ day of _____ to the said _____ or to the bearer hereof at Montreal, and to pay the interest thereon half-yearly as aforesaid on the production of the *coupon* therefor, which now forms part of this debenture.

And for the due payment of the said sum of money and interest, the said company, under the power given to them by the said statute, do hereby mortgage and hypothecate the real estate and appurtenances hereinafter described, that is to say: *The whole of the railroad from Montreal to _____ including all the lands at the termini of the said road, and all lands of the company within these limits, and all buildings thereon erected, and all and every the appurtenances thereto belonging.*

In testimony whereof, _____, president of the said company hath hereto set and affixed his signature, and the seal of the said company, at _____ this _____ day of _____ one thousand eight hundred and _____

President,

(L. S)

Countersigned and entered

Secretary.

I certify that this debenture was duly registered in the registry office for the county of _____ in the district of _____ on the _____ day of _____ one thousand eight hundred and _____ at _____ of the clock in the _____ noon, in register page _____

Registrar.

C A P . L V I .

An Act to incorporate the Richelieu, Drummond and Arthabaska Counties Railway Company.

[Assented to 5th April, 1869.]

Preamble.

WHEREAS a charter of incorporation was granted to the Drummond and Arthabaska counties railway company by the Act twenty-third Victoria, chapter one hundred and eleven, which act was subsequently amended by the Act twenty-fourth Victoria, chapter eighty-six,—

