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No. 42.

4th Session, 8th Parliament, 29th Victoria, 1865.

BILL.

**An Act to incorporate the Mount Royal
Railway Company.**

(PRIVATE BILL.)

[No. 88 of 1865—1st Session.]

Hon. Mr. ABBOTT.

QUEBEC:
PRINTED BY HUNTER, ROSE & CO.,
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An Act to incorporate the Mount Royal Railway Company.

WHEREAS the persons hereinafter named and others, have by their petitions to the Legislature, prayed that an Act may be passed authorizing the construction of a line of Railway between certain points upon Sherbrooke street, in the city of Montreal, by way of Côte St. 5 Catherines, Côte des Neiges, Côte St. Luke and Côte St. Antoine; And whereas such a Railway would greatly tend to the improvement of the neighborhood and to the convenience of the people of the said city and its environs, and it is therefore expedient to grant the prayer of the said petition and to incorporate the said persons for the purpose 10 of carrying the same into effect; Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. Haviland L. Routh, L. Chaput, Henry Bulmer, Alfred Perry, Joseph Barsalou, Victor Hudon and John Pratt, together with such 15 other persons, corporations and municipalities as shall, under the provisions of this Act, become Shareholders in the Company hereby incorporated, shall be and are hereby ordained, constituted and declared to be a body corporate and politic, by and under the name of "The Mount Royal Railway Company."

2. The several clauses of the Railway Act with respect to the first, second, third and fourth clauses thereof; and also the several clauses of the said Act with respect to "Interpretation," "Incorporation," "Powers," "Plans and Surveys," "Lands and their Valuation," "General Meetings," "President and Directors, their Election 25 and Duties," "Calls," "Shares and their transfer," "Shareholders," "Actions for Indemnity" and "Fines and Penalties and their prosecution," "By-laws," "Notices" and "Working of the Railway," and "General Provisions," shall be incorporated with this Act, and shall accordingly apply to the said Company and the said Railway, except 30 in so far as may be inconsistent with the express enactments hereof; and the expression "this Act," when used herein, shall be understood to include the said mentioned provisions of the Railway Act incorporated with this Act as aforesaid.

3. The said Company and their servants and agents shall have full 35 power under this Act, to lay out, construct and complete a line of Railway from such point on Sherbrooke street aforesaid, east of St. Lawrence street, to such point west of Guy street, by way of Côte St. Catherines, Côte des Neiges, Côte St. Luke and Côte St. Antoine, as the Company may deem expedient, and for that purpose may use the 40 side of any road now held, occupied or used by the Trustees of the Montreal Turnpike road; or may run their Railway along the side of

any such road ; Provided, always, that there shall be a space of at least feet between the side of such Railway and the centre of such road, and the Company may acquire such portions of such roads as they may lawfully use under this Act, from such Trustees, in the same manner as is by this Act provided for the acquisition of land generally. 5

- Form of deeds.** 4. Deeds and conveyances for the lands to be conveyed to the said Company under this Act, may be in the form given in the schedule marked A, hereunto annexed, and all Registrars are hereby required to record such deeds on the production thereof and proof of execution without any memorial in Registry Books, to be furnished by and at the expense of the said Company, with copies of the form given in the said schedule A, one to be printed on each page, leaving the necessary blank to suit the circumstances of each separate conveyance, and to minute every such entry on the deed, the sum of fifty cents being first paid to the Registrar by the party requiring the same to be recorded, and such registration shall be valid in law. 10
- Deeds to be registered.**
- Provisional Directors.** 5. The above-mentioned persons shall be the provisional Directors of the said Company for carrying into effect the objects and purposes of this Act.
- First meeting of subscribers.** 6. When and so soon as shares to an amount equivalent to \$100,000 in the capital stock of the said Company shall be taken, and ten per centum thereon shall have been paid into some one of the Chartered Banks of this Province, it shall and may be lawful for the provisional Directors of the said Company for the time being, to call a meeting at the said city of Montreal of the subscribers for stock in the said Company and who have paid ten per centum thereon as aforesaid, for the purpose of electing Directors of the said Company ; Provided, always, that if the said provisional Directors shall neglect or omit to call such meeting, then the same may be called by any two of the holders of shares in the said Company, holding among them not less than an amount equivalent to \$2,000 ; and provided, always, that in either case public notice of the time and place of holding such meeting shall be given during one month in some newspaper published in the said city of Montreal in the English language, and also in some newspaper published in the said city in the French language ; and at such general meeting the Shareholders assembled, with such proxies as shall be present, shall choose seven persons to be Directors of the said Company, being each a proprietor of shares in the said Company to an amount not less than \$1,000, and shall proceed to pass such Rules, Regulations and By-laws as shall seem to them fit, provided they be not inconsistent with this Act ; and, provided also, that such ten per centum shall not be withdrawn from such Bank or otherwise applied except for the purpose of such Railway, or upon the dissolution of the Company from any cause whatever. 20 25 30 35 40 45
- Proviso.**
- Proviso.**
- First election of Directors.**
- Term of office of Directors.** 7. The Directors so elected, or those appointed in their stead in case of vacancy, shall remain in office until the second Wednesday in January, which shall happen not less than six months after such election ; and on the first Wednesday in January in each year thereafter, or on such other day as shall be appointed by any By-law, an annual general meeting of the Shareholders shall be held at the office of the Company for the time being, to choose Directors and generally to transact the business of the Company ; but if at any time it should appear to any
- Annual General Meeting.**

three or more of such Shareholders, holding together sixty shares at least, that a special general meeting of the Shareholders is necessary to be held, it shall be lawful for such three or more of them to cause ten days' notice at least to be given thereof, in such newspapers as are 5 hereinbefore provided, or in such manner as the Company shall by By-law direct or appoint, specifying in such notice the time and place and the reason and intention of such special meeting respectively, and the Shareholders are hereby authorized to meet pursuant to such notice and proceed to the execution of the powers by this Act given to 10 them with respect to the matters so specified only, and all such Acts of the Shareholders or a majority of them, at such special meetings assembled, shall be as valid to all intents and purposes as if the same were done at annual meetings. Special General Meetings.

8. For the purpose of making, constructing and maintaining the 15 Railway and other works necessary for the proper use and enjoyment of the Railway by this Act authorized to be constructed, the Directors of the said Company for the time being may raise by subscriptions of stock the sum of two hundred thousand dollars, divided into four thousand shares of fifty dollars each; Provided, always, that the said 20 capital sum may from time to time, if necessary, be increased in the manner provided for in those clauses of the Railway Act which, in and by the second section of this Act, are expressed to be incorporated with this Act. Capital stock. Proviso.

9. The Directors of the said Company for the time being may make, 25 execute and deliver all such scrip and share certificates, as to the said Directors for the time being shall from time to time seem most expedient, for raising the said sum or for raising any part thereof, and the said money so raised shall be applied in the first place, towards the payment and discharge of all fees, expenses and disbursements for 30 procuring the passage of this Act, and for making the surveys, plans and estimates connected with the Railway, and all the rest and remainder of such money shall be applied towards the acquisition, in the manner herein directed, of the lands necessary for the purposes of the said Railway and the lands to be occupied by the same and the buildings 35 in connection therewith, and also towards the making, completing and maintaining the said Railway, and providing it with rolling stock and other purposes of this Act, and to no other purposes whatever. Scrip and share certificates.

10. The Directors of the said Company shall have the power, when 40 the said Company present at any special general meeting, duly convened for that purpose, or at any annual general meeting, to issue bonds, debentures, or other securities, signed by the president or vice-president and countersigned by the secretary and treasurer, and sealed with the seal of the Company, for the purpose of raising by loan any 45 amount, not exceeding in the whole, two hundred thousand dollars. Company may raise loan on debentures.

11. All debentures and other securities of the said Railway Company 50 may be payable to bearer; and all such bonds, debentures, or other securities of the said Company, and all dividend and interest warrants or coupons thereon respectively, which shall purport to be payable to bearer, shall be assignable at law by delivery, and may be sued on and enforced by the respective bearers and owners thereof for the time being, in their own names, and the said debentures may be in the form Debentures.

contained in Schedule B annexed to this Act, or in any other convenient form similar thereto, and need not be before Notaries, and shall have the effect of creating a mortgage for hypothèque upon the said Railway and the lands and property thereof, and the debenture and mortgage and hypothèque 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 land and property of the said Company, without any more formal or particular description in the said Schedule B, and 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 immovable estate belonging to the said Company, including the rails and iron thereto affixed, any law or usage to the contrary notwithstanding, and such debentures may be made payable either in currency or sterling, and either at any place in Canada or at any place in Great Britain or elsewhere, as the Directors of the said Company may see fit.

Votes.

12. Every proprietor of shares in the said Company shall be entitled on every occasion when the votes of the members of the said Company are to be given, to one vote for every share held by him.

Meetings of Directors.

13. Any meeting of the Directors of the said Company, at which not less than four of such Directors shall be present, shall be competent to exercise and use all and every of the powers hereby vested in the said Directors, and the said Board of Directors may employ one or more of their number as paid Director or Directors.

Calls.

14. Calls may be made by the Directors of the said Company for the time being, provided that no call to be made upon the subscribers for stock in the said Railway Company shall exceed the sum of twenty per centum upon the amount subscribed for by the respective shareholders in the said Company; Provided also, that upon the occasion of any person or corporation becoming a subscriber for stock in the said Company, it shall and may be lawful to demand and receive to and for the use of the said Company, the amount of such calls as shall have already been made payable in respect of the stock then already subscribed for by the respective shareholders in the said Company at the time of such person or corporation respectively subscribing for stock.

Recital.

Company may purchase and hold gravel pits, &c.

15. And whereas it may be necessary for the said Company to possess gravel pits and lands containing deposits of gravel, as well as lands for stations and other purposes at convenient places along their line of railway, for constructing and keeping in repair, and for carrying on the business of the said Railway; and as such gravel pits or deposits cannot at all times be procured without buying the whole lot of land wherein such deposits may be found; therefore, it shall be lawful for the said Company, and they are hereby authorized, from time to time, to purchase, have, hold, take, receive, use and enjoy along the line of said Railway or separated therefrom, and if separated therefrom, then with the necessary right of way through any lands, tenements and hereditaments which it shall please Her Majesty, or any person or persons or bodies politic, to give, grant, sell or convey to, and to the use of or in trust for the said Company, their successors and assigns; and it shall and may be lawful for the said Company to establish stations or workshops on any such lots or blocks of land, and from time to time, by deed of bargain and sale, or otherwise, to grant, bargain, sell, or convey any portions of such

land not necessary to be retained for gravel pits, sidings, branches, wood yards, station grounds or workshops, or for effectually repairing, maintaining and using to the greatest advantage of the said Railway and other works connected therewith.

- 5 16. The Company may enter into an agreement with the said Trustees, and with any proprietor or proprietors of land over whose property the said Railway may go, as to the making and keeping up of the fences separating the said Railway from such lands, and as to the making and keeping up of any gates, bridges, culverts, crossings, or cattle guards, and as to the consequence of the neglect of keeping the same or any of them in repair, and such agreement being registered in the Registry Office for the County wherein the land is situated, shall be binding as well on the then proprietors of such land, and on such Trustees as on their successors, according to the terms and purport of such agreement, provided always that nothing in this section shall be considered as preventing the laws of prescription from applying to these transactions according to the usual course of the law in Lower Canada.

SCHEDULE A.

Know all men by these presents that I do hereby in consideration of paid to by the Mount Royal Railway Company, the receipt whereof is hereby acknowledged, grant, bargain, sell, convey, and confirm unto the said Mount Royal Railway Company, their successors and assigns forever, all that certain parcel or tract of land situate the same having been selected and laid out by the said Company for the purpose of their Railway; to have and to hold the said land and premises together, with everything appertaining thereto, to the said Mount Royal Railway Company, their successors and assigns forever.

SCHEDULE B.

MOUNT ROYAL RAILWAY COMPANY.

This Debenture witnesseth that the Mount Royal Railway Company, under the authority of the Act passed by the Parliament of Canada, in the twenty-eighth year of Her Majesty's Reign, intituled: An Act to incorporate the Mount Royal Railway Company, 186—, 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 to the said or to the bearer hereof, and to pay the interest thereon half-yearly as aforesaid, on the production of the coupons therefor, which now form part of the Debenture, and for the due payment of the said sum of

