

No. 384.
(PRIVATE BILL.)

1st Session, 4th Parliament, 16 Victoria, 1853.

BILL.

An Act to amend the Act incorporating
*The Industry Village and Rawdon
Railroad Company.*

Received and Read a first time, Tuesday, 3rd
May, 1853.

Second Reading, Wednesday, 4th May, 1853.

Hon. Mr. BADGLEY.

QUEBEC:

1107.

An Act to amend the Act incorporating *The Industry Village and Rawdon Railroad Company.*

WHEREAS it is expedient to amend and extend the Act Preamble.
 passed in the Session held in the thirteenth and fourteenth
 years of Her Majesty's Reign, intituled, "*An Act to incorporate a* 13 and 14 V.
 "*Company for making a Railroad from the Village of Industry to* cap. 115.
 5 "*the Township of Rawdon, in Lower Canada:*" Be it therefore
 enacted by the Queen's Most Excellent Majesty, by and with the
 advice and consent of the Legislative Council and of the Legis-
 lative Assembly of the Province of Canada, constituted and assem-
 bled by virtue of and under the authority of an Act passed in the
 10 Parliament of the United Kingdom of Great Britain and Ireland,
 and intituled, "*An Act to re-unite the Provinces of Upper and Lower*
 "*Canada, and for the Government of Canada,*" and it is hereby en-
 acted by the authority of the same, That in the borrowing of Debentures
 moneys, by way of loan, and in creating mortgages or hypothèques issued by the
 15 for securing the same, the Debentures of the said Company shall Company may
 and may be in the form contained in the Schedule A, annexed be in the form
 to this Act, or in any other convenient form, similar thereto, and hereunto an-
 need not be before notaries, and the registration at full length of nexed.
 20 the said form in the Registry Office for the County of Leinster, Registration,
 shall perfect the mortgage and hypothèque created by such De-
 benture as regards all parties whomsoever, 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
 25 holder of the Debenture, and have the effect of mortgaging
 and charging all the lands and property of the said Company with-
 out any other more formal or particular description; but the de- Hypotheca-
 scription in the said Schedule A shall be held to comprehend all tion of Road.
 30 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:
 Provided always, that no Debenture of the said Company shall be Proviso.
 for a less sum than One Hundred Pounds currency.

35 **II.** And be it enacted, That if after the registration in the said
 County Registry Office of a Debenture of the said Company creat- Radiation of
 cancelled De-
 bentures.

ing a mortgage or hypothèque, such Debenture shall be presented at the said Registry Office wherein it was registered, 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 its face, the Registrar or his Deputy, on receiving the fee of *one shilling* therefor, 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: Provided always, that if any such cancelled Debenture shall have been registered in more than one Registry Office, it shall remain of record in the Registry Office of the County within which any part of the property mortgaged and hypothecated thereby shall lie, the other Registrar or his Deputy having first indorsed thereon his Certificate of the entry by him made of the cancellation thereof.

Proviso.

Ranking of Hypothecees: All to have equal privileges.

III. And be it enacted, That all Debentures, bearing mortgage by this Act authorized to be issued, shall, notwithstanding the issue and registration thereof at different periods all rank concurrently, and by equal privilege on the Real Estate of the said Company, as much to all intents and purposes whatsoever, as if all such Bonds and Mortgages were issued and registered at the same time, the registration thereof being only requisite in so far as the rights of the holders thereof against third parties are concerned, it being the true intent and meaning of this Act, that each and every holder of a Debenture, to be issued under its authority, shall rank and have equal precedence the one with the other on the Real Estate of the said Company, irrespective of the time when any such Debentures may have been issued or registered.

Proviso for the exchange of Debentures heretofore issued for others.

IV. And to enable the said Company to carry into effect the provisions of this Act, it shall be competent for the Directors thereof, to pass such resolutions, not inconsistent with this Act, either with respect to depositing Debentures for the purpose of being disposed of to redeem the other Debentures in this Act mentioned already issued, or of being exchanged therefor, and with regard to cancelling the whole or any part thereof, and in order to render the notices to be given by any parties conclusive on them, and in respect of the Bonds for which such notice may be given, and touching all other matters and things whereby the true intent and meaning of this Act may be the better carried into effect.

V. And to facilitate the registration of the Debentures of the said Company creating mortgages or hypothèques and the cancellation thereof; Be it enacted, That the said Company shall, at their own expense, deposit in the Registry Office of the County of Leinster, wherein such their Debentures may require to be registered, any number of their printed or engraved 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; any ordinance or law to the contrary notwithstanding, and for each such registration the said Registrar shall receive *one shilling and three pence* fee.

Registration
of Debentures
facilitated.

VI. And be it enacted, That the said Company shall have and shall continue to have power to become parties to Promissory Notes and Bills of Exchange; and any Promissory Note made or indorsed and any Bill of Exchange drawn, accepted or indorsed by the President of the Company with the counter-signature of the Secretary of the Company or any two of the Directors for the Company, and under the authority of a majority of a *quorum* of the Directors, is and shall be binding upon the Company; and every Promissory Note or Bill of Exchange made, drawn, accepted or indorsed by the President of the said Company or any two of the Directors as such, with the counter-signature of the Secretary shall be presumed to have been properly made, drawn, accepted or indorsed, as the case may be, for the Company, until the contrary be shewn; and in no case is it or shall it be necessary to have the Seal of the Company affixed to any such Bill of Exchange or Promissory Note, nor shall the President or Directors or Secretary of the Company so making, drawing, accepting or indorsing or assisting to make, draw or indorse any such Promissory Note or Bill of Exchange, be thereby subjected individually to any liability whatever; Provided always, That nothing in this clause shall be construed to authorize the said Company to issue any Note payable to bearer, or any Promissory Note intended to be circulated as money, nor shall any Note issued or to be issued by the said Company be assignable or transferable otherwise than by indorsement in full.

Company may
become parties to Notes
and Bills, and
how.

Proviso.

VII. And be it enacted, That for and notwithstanding any thing in any Act or Law to the contrary, it shall be lawful for the said Company in pursuance of any resolution to that effect adopted at a Special General Meeting of the Shareholders duly convened

Company may
hold stock in
other Companies of certain kinds.

for that purpose, to subscribe for, purchase and hold shares in the stock of any other Railroad or Steamboat Company, in this Province, and to pay for the same, and to pay all Calls or Instalments on the same, out of any money belonging to the said Company.

Removing
trees standing
near the Rail-
way.

VIII. And be it enacted, That it shall and may be lawful for 5
the said Company by their servants or workmen, to enter into
and upon any land through which the said Railroad, or any part
of the same, may pass, and to fell and remove any trees standing
in any woods, lands or forests, to the distance of six rods from
either side of the said Railroad, doing as little damage as may be, 10
and making satisfaction to the owner or proprietor of, or person
interested in such land for all that he may suffer by reason of
such entry, or felling, or removal as aforesaid, in the manner
provided by the Act cited in the Preamble to this Act.

Crossing or
intersecting
other Rail-
ways.

IX. And be it enacted, That it may and shall be lawful for the 15
said Company to cross, intersect, join and unite the said Rail-
road with any other Railroad or Railway, with their consent, at
any point on its route, and upon the lands of such other Railway
or Railroad, with the necessary conveniences for the purpose of
such connection, and the owners of both Railways may unite in 20
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 cross-
ings and connection, the same shall be determined by Arbitrators
to be appointed by a Judge of the Superior Court in Lower 25
Canada.

Agreeing with
other Rail-
way Com-
panies as to
services to be
performed by
the one for the
other.

X. And be it enacted, That it shall be lawful for the said Com-
pany to enter into any agreement with any other Railway Com-
pany in this Province for leasing the said Railroad or any part
thereof, or the use thereof, at any time or times to such other 30
Company, or for leasing or hiring out to such other Company any
Locomotives, Cars, Carriages, Tenders or other moveable prop-
erty of the said Company, either altogether or for any time or
times, occasion or occasions, or for leasing or hiring from such
other Company any Railroad or part thereof, or the use thereof 35
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
the said Railroad or of the moveable property of the said Com-
pany, or of the Railroad and moveable property of such other 40
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.

XI. And be it enacted, That in case of the absence or illness of the President of the Company, the Vice-President shall have all the rights and powers of the President, and shall be competent to sign all notes, bills, debentures, and other instruments, and to perform all acts which by the Regulations and By-laws of the Company, or by the Acts incorporating and relating to the said Company are required to be signed, performed and done by the President; and the Directors may at any meeting require the Secretary to enter such absence or illness among the proceedings of such meeting, and a certificate thereof, signed by the Secretary, shall be delivered to any person or persons requiring the same, on payment to the Treasurer of *five shillings*, and such certificate shall be taken and considered as *prima facie* evidence of such absence or illness, at and during the period in the said certificate mentioned in all proceedings for or against the said Company in Courts of Justice, or otherwise.

Vice-President to act for President in certain cases.

Certificate of absence of President.

XII. And be it enacted, That if any person fail to pay the tolls or freight in respect of any carriage on goods conveyed on the said Railroad, it shall be lawful for the Company to detain such goods and carriage, or any other carriage or goods in the possession or power of the Company, belonging to the party liable to pay such tolls, for payment of such tolls or freight; and if the same shall not be paid within six weeks, the Company shall thereafter have power to sell such carriage or the whole or any part of such goods, and out of the money arising from such sale to retain the tolls and freight payable as aforesaid, and all charges and expenses of such detention and sale; rendering the surplus, if any, of the money arising from such sale or of such of the carriages or goods that may remain unsold to the person entitled thereto; or it shall be lawful for the Company to recover any such tolls or freight by action at law; and if any goods shall remain in the possession of the Company unclaimed for the space of twelve months, the Company shall thereafter, and on giving public notice thereof by advertisement for six weeks, in the *Canada Gazette*, and in such other papers as they may deem necessary, have power to sell such goods by public auction at a time and place to be mentioned in such advertisement, and out of the proceeds thereof to pay such tolls or freights, and all reasonable charges for storing, advertising, and selling such goods, and any balance of such proceeds shall be kept by the Company for a further period of three months, to be paid

Enforcing payment of freight and tolls; by sale of goods on which they are due: or by suit. Selling unclaimed goods.

over to any party entitled thereto, and in default of such balance not being claimed before the expiration of the period last aforesaid, such balance shall become part of the funds of the Company.

Company not bound to carry certain articles.

XIII. And be it enacted, That no person shall be entitled to carry or to require the Company to carry upon the said Railway any *aqua fortis*, oil of vitriol, gunpowder, lucifer matches, or any other goods which, in the judgment of the Company, may be of a dangerous nature; and if any person send by the said Railway any such goods without distinctly marking their nature on the outside of the package containing the same, and otherwise giving notice in writing to the Book-keeper or other servant of the Company with whom the same are left at the time of so sending the said goods, he shall forfeit to the Company the sum of £5 currency, for every such offence; and it shall be lawful for the Company to refuse to take any package or parcel that they may suspect to contain goods of a dangerous nature, or require the same to be opened to ascertain the fact.

Penalty for sending them unknown to the Company, &c.

As to returns or answers under writs of *Saisie Arrêts*, &c.

XV. And be it enacted, That if any Writ of *Saisie Arrêt* or attachment shall be served upon the said Company, it shall be lawful for the Secretary or Treasurer in any such case to appear in obedience to the said Writ, to make the declaration in such case by law required, according to the exigency of each case; which said declaration, or the declaration of the President shall be taken and received in all Courts of Justice in Lower Canada, as the declaration of the Company; and in causes where interrogatories *sur faits et articles* or *serment décisoire*, may have been or may hereafter be served upon the Company, the Directors shall have the power, by a vote or resolution entered among the minutes of the proceedings of any meeting to authorize the President or Treasurer to appear in any cause to answer such interrogatories; and the answers of the President or Treasurer so authorized, shall be held and taken to be the answers of the Company to all intents and purposes as if all the formalities by law required had been complied with; and the production of a copy of such resolution certified by the Secretary with the said answers, shall be sufficient evidence of such authorization.

Public Act.

XVI. And be it enacted, That the Interpretation Act shall apply to this Act, and that this Act shall be a Public Act.

SCHEDULE A.

(Referred to in this Act.)

THE INDUSTRY VILLAGE AND RAWDON RAILROAD COMPANY, MORTGAGE LOAN.

Number £ Sterling (or Currency.)

This Debenture witnesseth that the Company of the Industry Village and Rawdon Railroad, under the authority of the Provincial Statute passed in the 13th and 14th years of Her Majesty's Reign, intituled, "An Act to authorize the Company of Proprietors of the Industry Village and Rawdon Railroad," and of the Act passed in the 16th year of Her Majesty's Reign, intituled, "An Act to amend the Act incorporating the Industry Village and Rawdon Railroad Company," and the several Acts incorporating and having reference to the said Company, have received from

of the sum of currency, (or sterling) 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 currency (or sterling) the said Company bind and oblige themselves to pay on the to the said or to the bearer thereof; 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 and Acts, do hereby mortgage and hypothecate the real estate and appurtenances hereinafter described, that is to say: The whole of the Railroad from the Township of Rawdon to the Village of Industry, including all the Lands at the two Termini of the said Road, and all the Lands of the Company within those limits, and all buildings thereon erected, and all and every the appurtenances thereto belonging.

In testimony whereof of the said Company, hath hereto set and affixed his signature, and the Common Seal of the said Company, at the City of Montreal, this day of one thousand eight hundred and

President
President.
Secretary.

Counter-signed and entered

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.