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BILL.

An Act to Incorporate the *Quebec and
Saguenay Railway Company.*

QUEBEC:

PRINTED BY JOHN LOVELL, MOUNTAIN STREET.

An Act to Incorporate the *Quebec and Saguenay Railway Company*.

WHEREAS the Honorable P. J. O. Chauveau, Stewart Derbishire, Preamble
 J. A. Sewell, M. D., Joseph Morrin, M. D., A. C. Buchanan,
 C. Têtu, L. Bilodeau, Charles Alleyn, F. R. Angers, J. E. De-
 Blois, E. Chinic, H. Benjamin, H. Noad, and F. N. Boxer, all
 5 of the City of Quebec, Esquires, have prayed by their Peti-
 tion to the Legislature, to be Incorporated as a Company for the purpose
 of constructing a Railway from any point in the said City of Quebec to
 any point at or beyond Lake St. John in the County of Chicoutimi, for the
 purpose of facilitating the settlement of a large tract of the waste and un-
 10 cultivated lands of this Province, of supplying the said City of Quebec
 with cheap fire-wood, and providing at more reasonable rates than at
 present exist, the numerous lumber and ship-yards of the said City and
 neighbourhood with timber for building and other purposes; and in view
 of the great advantages which will result to the Province, its trade, and
 15 the inhabitants of the said City, by the construction of the said Railway,
 it is expedient to grant the prayer of the said Petition:—Be it therefore
 enacted, &c. That the above named persons, or any of them, together
 with all such other persons as shall become share-holders of any share or
 shares in the undertaking hereinafter authorized to be carried on, shall
 20 be, and are hereby ordained, constituted, and declared to be a Body
 Corporate and Politic in fact and in name, by the title of the *Quebec and
 Saguenay Railway Company*.

II. And be it enacted, that the several Clauses of the "Railway Clauses
 25 "Consolidation Act," with respect to the first, second, third and fourth
 clauses thereof, and also the several clauses of the said Act, with re-
 spect to "Interpretation," "Incorporation," "Powers," "Plans and
 "Surveys," "Lands and their valuation," "Highways and Bridges,"
 "Fences," "Tolls," "General Meetings," "Directors, their election and
 30 "duties," "Shareholders," "Shares and their transfer," "Municipali-
 "ties," "Actions for indemnity," and "Fines and Penalties, and their
 "prosecution," "Working of the Railway," and "General Provisions,"
 as amended or modified by the Act passed in the last Session of the
 Provincial Parliament, and intitled, "An Act in addition to the
 35 "General Railway Clauses Consolidation Act," shall be incorporated
 with this Act, save in so far as they are expressly varied by any clause
 or provision hereinafter contained; subject always to the following mo-
 dification of the ninth sub-section of the said clause of the said "*Railway
 Clauses Consolidation Act*," headed "Plans and Surveys," that is to say,

that lands to the extent of twenty acres may be taken by the said Company without the consent of the owner thereof, but subject to the provisions of the said Act in that behalf, for Stations, Depôts, or other works, in any city or town; and subject further to the following modification of the twelfth sub-section of the clause of the said last mentioned Act, headed "Lands and their valuation," that is to say, that in any case where three arbitrators shall have been appointed, the costs of the arbitration shall be borne by the party whose offer shall be furthest from the amount awarded as a compensation for the taking of lands by the Company.

Authority to
construct Rail-
way.

III. And be it enacted, That the said Company and their agents, ser-
vants, and workmen, are hereby authorised and empowered to lay out, 10
construct, make, and finish, a double or single iron or tram Railway from
the City of Quebec, following the valley of the St. Charles as far as Com-
missioners' Bridge, thence in a north westerly direction, crossing the
Rivers Jacques Cartier and Ste. Anne; with power, if the said Com- 15
pany shall hereafter think it expedient, to continue the said Railway,
along any of its branches of the said River Ste. Anne, upwards to the
source of the said River; thence crossing the table land until it
strikes the waters of the River Metabetchouan, and thence con-
tinuing in a northerly direction until it reaches Lake St. John in the 20
County of Chicouimi aforesaid, and the said Company shall also have
power to construct any Branch Roads not exceeding twelve miles in
length, under the conditions hereby established for the said main line.

To construct
bridges.

IV. And be it enacted, That the said Company shall have the power
to erect and construct such bridges as they may require for the purposes 25
of the said Railway, over any part of any river, as they may deem neces-
sary, with the right, if they think proper, to adapt the said bridges to the
passage of horses, vehicles and passengers, subject to the clauses, stipu-
lations, and conditions of the Railway Clauses Consolidation Act, and of
the Act above mentioned intituled, "*An Act in addition to the General* 30
Railway Clauses Consolidation Act;" Provided always, That, in case
such bridges be used by the public as toll-bridges, the rates and tolls
shall be fixed by the Governor in Council.

Company may
appropriate
lands for use
of Railway.

V. And be it enacted, That it shall and may be lawful for the said
Company, with the consent of the Governor in Council, to take and 35
appropriate for the use of the said Railway, but not to alienate so much
of the wild lands of the Crown not heretofore granted or sold, lying on
the route of the same; as also so much of the land covered with the waters
of any river, lake, stream, or canal, or of their respective beds, as may be
found necessary for the making and completing and more conveniently 40
using the said Railway, and thereon to erect such wharves, quays, incli-
ned planes, cranes, and other works as to the said Company shall seem
meet.

Power to Pur-
chase lands,
construct saw-
mills, and tra-
ffic in lumber.

VI. And be it enacted, That the said Company shall have full power
and authority to purchase and acquire lands in this Province to an ex- 45
tent not exceeding _____ acres; and to construct saw mills on
the lands of the said Company, to be driven by water or such other
power as the said Company may find most convenient, and to make
use of such water power, for any such saw-mills as they shall find neces-
sary; and the said Company are hereby authorised and empow-
ered to cut down and saw any timber of any description what-

soever on the lands owned by them, and to sell and dispose of the same for their own profit and advantage, in such manner as to the said Company shall seem expedient, and to employ such and so many agents, workmen, and laborers, as they may find necessary for the said purposes, and generally to do every thing in any way connected with the traffic of timber.

VII. And be it enacted, That all deeds and conveyances of 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 to this Act, marked A, and need not be made before a Notary ; and for the purpose of a due enregistration of the same, the Registrars of the several Counties through which the said Railway or any of the said branches may run, are hereby required respectively to be furnished, by and at the expense of, the said Company, with a book, with copies of the form given in the said Schedule A, one to be printed on each page, leaving the necessary blanks to suit the separate cases 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 said Company shall pay to the Registrar for so doing, the sum of one shilling and three-pence, and no more ; which said enregistration shall be held and deemed to be valid in law ; the provisions of any Act or Ordinance for the enregistration of Deeds now in force in this Province to the contrary notwithstanding.

Conveyances
of lands to be
in form of
Schedule A.

VIII. And be it enacted, that the Capital Stock of the said Company shall not exceed in the whole the sum of one hundred thousand pounds currency, to be divided into ten thousand shares of ten pounds each ; which amount 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, expenses and disbursements for 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 making, competing, and maintaining the said Railway and other purposes of this Act, and to no other purpose whatever ; Provided always, that the said Capital Stock may be increased as provided by the second subsection of the nineteenth section of the Railway Clauses Consolidation Act.

Capital Stock.

IX. And be it enacted, That 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 convenient form similar thereto, and need not be before Notaries, and shall have the effect of creating a mortgage and hypothec 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 County of Quebec, 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 mortgage and hypothec created by such Debenture as regards all parties whatsoever, and the Debenture and mortgage and hypothec thereby

Form of De-
bentures for
borrowed mo-
neys

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 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 immovable estate belonging to the said Company, including the iron and rails thereto affixed, any law or usage, to the contrary notwithstanding.

Cancellation
of Debentures.

X. And be it enacted, That 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 its face, the Registrar or his Deputy, on receiving the fee of one shilling and three pence 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 authorised 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.

Registration
of Debentures.

XI. And to facilitate the registration of the Debentures of the said Company, and the cancellation thereof, Be it enacted, That the said Company shall, at their own expense, deposit in the said Registry Office, for the County of Quebec, wherein such their Debentures are hereby required 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 and 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 his Office, receiving for the registration of each such Debenture a fee of two shillings and six-pence, and no more; any Ordinance or Law to the contrary notwithstanding.

Certain persons appointed
the first Directors of the
Company.

XII. And be it enacted, That the said Honorable P. J. O. Chauveau, Stewart Derbishire, J. A. Sewell, Joseph Morrin, A. C. Buchanan, C. Tétu, L. Bilodeau, Charles Alleyn, F. R. Angers, J. E. Deblois, E. Chinic, H. Benjamin, and H. Noad, Esquires, shall be and are hereby constituted the first Directors of the said Company, and the said P. J. O. Chauveau, the President thereof, and shall hold their Office until others shall, under the provisions of this Act, be elected by the Shareholders, and shall, until that time, constitute the Board of Directors of the said Company, with power to open Stock Books, and make a call on the shares subscribed in such Books, and call a meeting of the subscribers for the election of Directors in the manner hereinafter provided, and to lay out the Railway, with all such other powers as, by the said Railway Clauses Consolidation Act, are conferred upon the Directors elected under the said Act or named by this Act.

XIII. Provided always, and be it enacted, That any person, corporation, or party who, before the passing of this Act, has or shall have subscribed, or authorized any person to subscribe his, or her name, or the corporate name of any such corporation, for any amount of Stock in any Stock Book of the then intended Company to construct a Railway from any point in the City of Quebec, to any point at or beyond Lake St. John, in the Saguenay Territory, to be called "The Quebec Northern Railroad," binding themselves in the said Stock Book, or on any single sheet of paper issued for the purpose of subscribing Stock thereon, to the said Quebec Northern Railroad, to pay for the amount of Shares for which any such person or corporation has subscribed or authorised any person to subscribe, shall be deemed to have subscribed for a like amount of Stock of the Company hereby incorporated, notwithstanding that the name of the said undertaking is by this Act altered to that of *The Quebec and Saguenay Railway*, and shall have all the rights, and be subject to all the liabilities which they would have, or be liable to, if they had subscribed for a like amount of Stock under the provisions of this Act.

Stock subscribed before the passing of this act, to be valid.

XIV. And be it enacted, That when and so soon as one-fifth of the said Capital Stock shall have been subscribed, it shall be lawful for the said Directors, or a majority of them, to call a meeting of the holders of such shares, at such place and time as they shall think proper, giving at least fifteen day's public notice of the same in a newspaper published in the French language, and in one published in the English Language in the City of Quebec, at which said general meeting, and at the annual general meeting hereinafter mentioned, the private shareholders present, either in person or by proxy, shall elect seven Directors in the manner hereinafter mentioned, and one Director shall be chosen by each Municipal Corporation, being shareholders to the amount of five thousand pounds, currency, which said Director shall be the Mayor of such Municipality, or such other person as each such Municipality may by By-law specially appoint for that purpose; the fourth sub-Section of the eighteenth Section of the said Railway Clauses Consolidation Act in this respect being hereby superseded; and which said Directors shall hold Office until the first Monday in March following.

Meeting of Shareholders for election of Directors to be called when one fifth of Capital Stock is Subscribed.

XV. And be it enacted, That on the said first Monday in March, and on the first Monday in March in each year thereafter, or on such other day and at such place as shall be appointed by any By-law, there shall be chosen by the private Shareholders seven Directors, in manner hereinafter mentioned; and public notice of such Annual Election shall be published one month before the day of Election in the Canada Gazette, and all Elections for such Directors shall be by ballot, and the seven persons who have the greatest number of votes at any Election shall be the Directors; and if it shall happen that any two or more shall have an equal number of votes, the private Shareholders shall determine the Election by another or other ballots, until a choice is made; and if any vacancy shall at any time happen among the said seven Directors by death, resignation or otherwise, such vacancy shall be filled for the remainder of the year by a majority of the Directors; and the said seven Directors, together with the Representatives of the Municipal Corporations subscribing as aforesaid, shall form the Board of Directors.

Annual Meetings for election of Directors.

Quorum of Directors.

XVI. And be it enacted, That *three* of the said Directors shall form a *Quorum* for the transaction of business; and that the persons qualified to be elected Directors of the said Company under this Act, shall be Shareholders holding each at least six shares in the Stock of the said Company, who shall have paid up all calls on such shares. 5

Stock subscribed by Municipalities to be represented by Mayor or other person authorised.

XVII. And be it enacted, That the Stock to be subscribed for by Municipal Corporations, shall be represented by the Mayor, from time to time being of such Municipal Corporations subscribing to the Stock of the *Quebec and Saguenay Railway Company*, or by such persons as shall be appointed as hereinbefore provided by such Municipal Corporations 10 respectively; and such Mayor, or persons deputed as aforesaid, shall be entitled to a number of votes equal to the number of Shares held by the Municipal Corporation to the same extent as private Shareholders; provided always that no private Shareholder or other party shall be entitled to vote at the Meetings of Shareholders who shall not have paid up all 15 the calls due upon his Stock, or upon the Stock upon which such party claims to vote, at least eighteen hours before the hour appointed for any such Meeting.

Calls for instalments.

XVIII. And be it enacted, That it shall and may be lawful for the Directors at any time to call upon the Shareholders for such instalments 20 upon each Share which they may hold in the Capital Stock of the said Company, in such proportions as they may see fit, so as no such instalment shall exceed ten per cent on the amount of each Share, giving at least one Month's notice for each call, in such manner as they shall appoint. 25

Provision respecting the detaining of goods for non-payment of freight.

XIX. And be it enacted, That whenever the said Company shall detain any goods for non-payment of the toll or freight thereon, as they are authorised to do by the Railway Clauses Consolidation Act, they shall, if such goods be of a perishable nature, have the right to sell the same forthwith, on the Certificate of two competent persons establishing 30 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 such Company to deal with the same as provided in and by the said Railway Clauses Consolidation Act.

Company may become parties to Promissory Notes, &c.

XX. And be it enacted, That the said Company shall have power 35 to become parties to Promissory Notes and Bills of Exchange, for sums not less than Twenty-five pounds, and any such Promissory Note made or endorsed, and any such Bill of Exchange drawn, accepted, or endorsed, by the President of the Company, or Vice President, and countersigned by the Secretary and Treasurer, and under the authority of a 40 *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 the 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 45 made, drawn, and accepted or endorsed, as the case may be, for the Company, until the contrary be shewn; and in no case 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, Vice President, or the Secretary and Treasurer of Company, so making, drawing, accept- 50 ing, or endorsing, any such Promissory Note, or Bill of Exchange, be

thereby subjected individually to any liability whatever; Provided always, that nothing in this Section 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, or as the Notes of a Bank.

XXI. And be it enacted, That the said Company shall have the right to purchase, take, hold, and subscribe for, Stock in any other Railway Company, as they may consider conducive to the interests of the said Company, and the Directors of the said Company may authorize one or more person or persons to vote upon such Stock at any Meetings of such other Railway Company.

May subscribe
Stock in other
Railways.

XXII. And be it enacted, That any Shareholder in the said Company, whether a British Subject or alien, or a resident in Canada or elsewhere, shall have equal rights to hold Stock in the said Company, to vote on the same, and be eligible to office in the said Company.

Aliens eligi-
ble to office.

XXIII. And be it enacted, That the Provincial Government may at any time after the commencement of the said Railway, assume the possession and property thereof, and of all the property which the said Company is empowered to hold and shall then have, and of all the rights, and privileges, and advantages vested in the said Company, all of which shall, after such assumption, be vested in Her Majesty, on the Government giving to the Company four months' notice of the intention to assume the same.

Assumption of
Railway by
Government.

XXIV. And be it enacted, That in case of such assumption as aforesaid, the Government shall, within four months after the Company shall render an account in writing of the amount of money expended by the said Company, and all their then ascertained liabilities, up to the time of such assumption, pay to the said Company the whole amount of the money so expended, and of the liabilities so ascertained, together with interest at the rate of six per cent. and ten per cent. additional thereon, after deducting the amount of any dividends before then declared, and the said Government shall also from time to time, pay and discharge all liabilities of the Company not ascertained at the time of such assumption, as the same shall be established against the Company; Provided always, that in case of a difference between the Government and the Company as to the amount to be paid by the Government, such difference shall be referred to two Arbitrators, one to be named by the Government, the other by the Company; and in case of disagreement, such difference shall be referred to an Umpire, to be chosen by such Arbitrators before entering into the consideration of the said difference, and that the award so made by the Arbitrators or the Umpire shall be final; And provided also, that in case of refusal by the Company to appoint an Arbitrator on their behalf, the same shall be appointed by any two Judges of the Superior Court in Lower Canada, on the application of the Government.

Conditions of
such assump-
tion.

Proviso.

XXV. And be it enacted, That 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 alto-

Company may
lease Railway
to other Com-
panies, &c. &c.

ther or for any time or times, or occasions, the leasing or hiring from such other Company any Railroad or part 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, or 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.

May agree with North Shore Railway Company for use of part of that Railway.

XXVI. And be it enacted, That it shall be lawful for the said Company and the North Shore Railway Company to enter into any agreement or agreements for the use by the said Quebec and Saguenay Railway Company of that part of the line of the said North Shore Railway from its terminus in the City of Quebec, to any point on the said North Shore Railway, not exceeding _____ miles from the said terminus, on such terms as shall be agreed upon by the Directors of both Companies: Or to enter into any other arrangement or arrangements with regard to the performance of any service by the one Company for the other.

Provision respecting *Saisie-Arrêt*.

XXVII. 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 any duly authorized Officer of the Company 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 shall be taken and received in all Courts of Justice in Lower Canada; as the declaration of the Company; and in cases where interrogatories *Sur Faits et Articles* or *Serment Décisive*, may 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 any Officer of the Company to appear in any cause to answer such interrogatories, and the answers of such Officer 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 Resolutions certified by the Secretary, with the said answers, shall be sufficient evidence of such authorization.

Guage.

XXXI. And be it enacted, That the Guage of the said Railway shall not be broader or narrower than five feet six inches.

SCHEDULE A.

FORM OF CONVEYANCE.

KNOW all men by these presents, that I. A. B. of
 (name also the wife, if any,) do hereby in consideration of
 (here the sum) paid to me by the *Quebec and Saguenay Railway Company*, the receipt whereof is hereby acknowledged, grant, bargain, sell, convey, and confirm unto *The Quebec and Saguenay Railway Company*, their successors and assignees for ever, all that certain tract or parcel of land, situate (*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 *Quebec and Saguenay Railway Company*, their successors and assigns for ever, (*here the release of dower, if any.*)

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

A. B. (L. S.)

Signed, sealed, and delivered, in presence of

SCHEDULE B.

FORM OF DEBENTURE.

Number £ sterling or currency.

This Debenture witnesseth that the *Quebec and Saguenay Railway Company*, under the authority of an Act passed in the Session held in the seveneenth and eighteenth years of Her Majesty's Reign, intituled "*An Act to Incorporate The Quebec and Saguenay Railway 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 day of to the said or to the bearer hereof at , 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 Railway from Quebec to including all the Lands at the Termini of the said road,*

and all Lands of the Company within those limits, and all Buildings thereon erected, and all and every the appurtenances thereto belonging.

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

Countersigned and entered,

President,
 (L. S.)

Secretary.

I certify that this Debenture was duly Registered in the Registry Office for the County of Quebec, on the day of one thousand eight hundred and at of the clock in the noon, in Register Page

Registrar.