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No. 73.

1st Session, 5th Parliament, 18 Victoria, 1854.

(PRIVATE BILL.)

BILL.

An Act further to amend the Act incorporating the Montreal and Vermont Junction Railway Company.

Received and Read First time, Friday, Sept. 29,
1854.

Second Reading, Monday, 7th Oct. 1854.

HON. MR. YOUNG.

QUEBEC :

(73)

1854.]

BILL.

[No. 73.

An Act further to amend the Act incorporating the Montreal and Vermont Junction Railway Company.

WHEREAS it has been found necessary to amend an Act of this Province, passed in the twelfth year of Her Majesty's Reign, intituled "*An Act to incorporate the Montreal and Vermont Junction Railway Company,*" and another Act passed in the session held in the fourteenth and fifteenth years of Her Majesty's Reign, intituled "*An Act to amend and extend the Act incorporating the Montreal and Vermont Junction Railway Company,*" and the said Company have petitioned for such amendment: Be it therefore enacted, &c., as follows,—

Preamble.

The said Montreal and Vermont Junction Railway Company shall have power to become parties to Promissory Notes and Bills of Exchange, and any Promissory Note or Bill of Exchange drawn, accepted or indorsed by the President of the Company, and countersigned by the Clerk or Secretary of the Company, under the authority of a quorum of the Directors, shall be binding on the said Company, and shall be presumed to have been properly made, drawn, accepted and indorsed, 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 or Note, nor shall the President, Clerk or Secretary of the Company so making, drawing, accepting or indorsing any such Bill or Note be thereby subjected individually to any liability whatever: Provided always, that nothing in this clause shall be construed to authorize the Company to issue any Note payable to bearer or any Note intended to be circulated as money or as Notes of a Bank.

Company may be parties to Promissory Notes and Bills of Exchange.

Proviso.

II. 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.

President being absent or ill, Vice-president to act.

III. If any person fail to pay the tolls or freight in respect of any carriage or goods conveyed on the said Railroad, it shall be lawful for the Company to detain such goods and carriage or any other carriage or

Company may detain property the tolls or freight not being paid.

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 and 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 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 be paid over to the Receiver General, to be applied or used for the general purposes of the Province, until such time as the same shall be claimed by any party entitled thereto.

May dispose thereof by public auction.

Company not obliged to carry goods of dangerous nature.

IV. No person shall be entitled to carry or to require the Company to carry upon the said Railway any *uqua 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 shall 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 five pounds 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.

Proceedings in case of transmission of shares by death, bankruptcy, &c.

V. If any share or shares in the said Company or any interest therein shall have been transmitted in consequence of the death or bankruptcy, or in consequence of the last will and testament or intestacy, of any Shareholder, or by any lawful means other than the transfer mentioned in the Act incorporating the said Company, the party or parties to whom such share or shares or interest therein shall have been so transmitted, shall lodge in the Office of the Company a statement in writing signed by such party, declaring the manner in which such share or interest was so transmitted, and shall also produce a copy or probate of such will or sufficient extracts therefrom, and such other documents or proof as may be necessary, and deliver the same to the Secretary, and without such statement produced and authenticated as aforesaid, no party claiming by virtue of such transmission shall be entitled to receive any share or profits of the Company, nor to vote in respect of any such share or shares as the holder thereof.

Secretary or Treasurer may

VI. If any writ of *saisé arrêt* or attachment shall be served upon the 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 all causes where interrogatories *sur faits et articles* or *serment decisive*, 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.

appear to
writs of *saisie*
arrét and
answer inter-
rogatories *sur*
faits et articles.

VII. For the more speedy completion as well of the Main line as of the Branch line of Road which the said Company are authorized to construct, it shall and may be lawful for the said Company to raise and borrow by way of Loan, either in this Province or elsewhere, a sum or sums of money, not to exceed in all, the sum of _____ at a rate of interest not to exceed _____ per cent, and to issue Bonds and Debentures bearing mortgages and hypothecation for the money so borrowed, under the signature of the President and counter-signature of the Secretary or Treasurer of said Road; and such Bonds or Securities may be made payable within or without this Province, and may be in the form contained in the Schedule Nos. one and two, annexed to this Act, and the Registration at full length of a Debenture in the form of the Schedule number one, or in such other form as the same may be made, in the Registry Office of the County in which the Land or real Estate, or any portion of the Land or real Estate of the Company, there- by specially mortgaged or hypothecated shall lie, shall perfect the mortgage or hypothecation thereby created, and be to all intents and purposes binding upon the said Company in favor of the Holder of such Debenture, any law, usage, or custom to the contrary notwithstanding; provided that no such Debenture shall be for a less sum than one hundred pounds currency.

Company may
raise money
by loan.

Proviso.

VIII. If after the Registration in a County Registry office of a Debenture of the said Company, creating a mortgage or *hypothèque*, such Debenture shall be presented at the 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 usual fee in that behalf, and on proof of the cancellation, by the oath of one credible witness (which oath the Registrar or his Deputy is 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 Registry office: Provided always that if any such cancelled Debentures shall have been registered in more than one Registry office, it shall remain of record in the Registry office of the County within which the greater part of the property mortgaged and hypothecated thereby shall lie, the other Registrar or his Deputy, having first endorsed thereon his certificate of the entry by him made of the cancellation thereof.

Duty of Registrar on
being presented
with debentures marked
cancelled.

Proviso.

Company to deposit blank forms of Debentures for registration purposes.

IX. And to facilitate the registration of Debentures of the said Company creating mortgages or *hypothèques*: Be it enacted, That the said Company may at their own expense deposit in any Registry office 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 number one, annexed to this Act, bound together in a Book, and having the pages thereof numbered and signed by the Secretary and Treasurer 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; any ordinance or Law to the contrary notwithstanding.

Substance of declaration for money due on stock.

X. In any suit or action to recover any money due upon or for, any call upon any share holders for and in respect of the amount of Capital Stock subscribed or owing by them, it shall not be necessary to set forth the special matter, but it shall be sufficient to declare that the defendant is the holder of one share or more stating the number of shares and is indebted to the Company in the sum of money to which the call or calls in arrear may amount, stating the number and amount of each of such calls whereby an action hath accrued to the Company by virtue of this Act.

Recital.

XI. And whereas under and by virtue of the Act of the Legislature of this Province passed in the Session held in the Fourteenth and Fifteenth years of Her Majesty's Reign intituled "*An Act to extend and amend the Act incorporating the Montreal and Vermont Junction Railway Company*," it was enacted, that within the period therein named the said Company should have power to connect their said Road with certain Railroads therein named, and amongst others with the Missisquoi Valley Railroad, by such favorable line as the Montreal and Vermont Junction Railway Company might select passing through the Townships and Counties in said amended Act also named, and touching the Province Line at the counties of Franklin and Orleans in the State of Vermont: And whereas in order to secure and maintain by means of the said Missisquoi Valley Railroad incorporated by an Act of the General Assembly of the state of Vermont intituled "*An Act to incorporate the Missisquoi Railroad Company*" a direct and connecting line of Railroad from the point where the said Vermont Junction Railroad shall touch or intersect the boundary Line between this Province and the State of Vermont, to Island Pond in the said State of Vermont, at which place the said Missisquoi Railroad is intended to connect with the line of Road constructed by the Atlantic and St. Lawrence Railroad Company, and to secure the construction and advantageous management and operation of said connecting Road, it hath been found necessary that further powers should be granted to the said Montreal and Vermont Junction Railway Company, as prayed for by said Company; it is hereby enacted that the said Montreal and Vermont Junction Railway Company shall have power and authority to enter into all such contracts and agreements with the said Missisquoi Railroad Company and with all bodies corporate and persons as may be found necessary to secure the speedy construction and completion of the said last named Railroad and the works connected therewith to be constructed in the said direct line from the said point of intersection of the said boundary Line and Island Pond aforesaid, and to construct and maintain, or assist in constructing and maintaining said connecting Road, and for such purpose to issue their Bonds, Debentures, notes or other securities in such form as the said Company shall direct to an extent not to exceed

Company authorized to contract for construction of Missisquoi Railroad.

To issue De-

bearing *hypothèque*; and the provisions in this Act contained as to the issuing, payment, registration, and cancelling of the Bonds or Debentures before mentioned shall apply to the Bonds or Debentures to be issued for the purposes mentioned in this section; And the said Montreal Vermont Junction Railway Company shall have power to advance to the said Missisquoi Railroad Company or other bodies corporate or persons, such sum and sums of money, and to become party to sign and endorse or guarantee such Bonds, Debentures or other securities of the said Missisquoi Railroad Company as may be required, provided the amount of such liabilities does not as aforesaid exceed the sum of

and to enter into such agreements and contracts with the said Missisquoi Railroad Company as may be found necessary to secure in the most effective manner the convenient and advantageous use, operation and maintenance of the said lines of Road, and to accept, receive and hold any mortgages or other securities over, and any rights in the said Missisquoi Railroad forming such connection as aforesaid or in the Tolls, profits and revenues thereof, either by or through the officers of the said Montreal and Vermont Junction Railway Company, or by means of Trustees to be by said Company appointed for that purpose, and to become lessees of the said Road upon such terms and for such periods as may be agreed upon; and such debts, mortgages, securities, rights, tolls, profits and revenues and such lease and all their Interest therein to convey and transfer to any person or body politic or corporate, and generally to do and perform all matters and things whatsoever, necessary or incidental in the promotion of the construction of the said Missisquoi Railroad and in the recovery of any monies raised, advanced or guaranteed as aforesaid.

XII. In so far as may be consistent with the laws of Vermont, which are now or which may be hereafter in force, the said Montreal and Vermont Junction Railway Company, are hereby authorised to acquire, hold, own, construct and use the said Missisquoi Railroad from its intersection with the said boundary line to Island Pond aforesaid, with all and every the works, buildings and appurtenances connected therewith as owners and proprietors or as lessees thereof with all and every the powers and authorities vested in the said company as to the portion of the said Railroad from the river St. Lawrence to the said boundary line; Provided that this Act shall not authorize or be construed to authorize the said Company, nor shall the said Company have power to lessen or impair any pre-existing hypothecary rights or claims of any party or parties in and upon the line or branch line of road which the said Company is authorised to construct within this Province, but the said rights shall be in all respects fully maintained and preserved notwithstanding any matter or thing to be done under or by virtue of this Act.

XIII. The time for the making and completing as well of the said main line as of the Branch Line which the said Montreal and Vermont Junction Railway Company are authorized to construct within this Province, shall be and the same is hereby extended to the full period of years next after the passing of this Act, and if the said lines of road are not completed so as to be used by the public before the expiration of the period last aforesaid, then this Act and the said Act incorporating said Company shall become and be utterly null and void.

XIV. On the request and with the consent of any person, firm or Corporation being the holder or holders of any of the Bonds or Debentures

Debentures for that purpose.

Company may acquire and hold Missisquoi Railroad.

Proviso.

Time of completion of works extended.

Debentures of Company may

be converted
into stock.

of the Company other than those issued for, or relating to the said connecting road from the said boundary line to Island Pond, made and signified in writing to the Company, it shall and may be lawful for the Company by vote or resolution of a majority of the quorum of the Directors, to convert such Bonds or Debentures or any part thereof into so many shares of the capital stock of the said Company, as at the par value thereof may represent the amount of such Bonds or Debentures, and to issue certificates for such stock, and such holder or holders on subscribing the book of subscriptions for stock of the said Company, and on the surrendering and delivering of such Bonds or Debentures, shall be and be considered to all intents and purposes a stock holder of the Company, and shall have all the powers, rights and privileges and be subject to all the liabilities of ordinary stock holders, and any *hypothèque* or mortgage for the payment of such Bonds or Debentures so surrendered and delivered up, shall, after such surrender and delivery wholly cease and be determined.

Company may
increase their
capital stock.

XV. It shall and may be lawful for the Company to increase the capital stock of the said Company, and the number of shares to be issued for such stock as well for the Main line of Road, as for the Branch Road, which they are authorized to construct, to the sums and extent following viz: For the said Main line, to the sum and extent of £ currency, and for the said Branch line to the sum and extent of £ currency.

Contrary provisions repealed.

XVI. The provisions of the said Act of incorporation, and of the said Act amending and extending the same, in so far as the same are repugnant to and inconsistent with the provisions of this Act shall be and the same are hereby repealed.

Public Act.

XVII. This Act shall be deemed a public Act.

SCHEDULE No. 1.

MONTREAL AND VERMONT JUNCTION RAILWAY COMPANY.

No. £ currency.

This Debenture witnesseth, that the Montreal and Vermont Junction Railway Company, under the authority of the Provincial Statute, passed in the 12th year of Her Majesty's Reign, intituled "*An Act to incorporate the Montreal and Vermont Junction Railway Company,*" and the several Acts amending the same, have received from

of the sum of
currency, 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, 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,

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 Railway from _____ to _____ and all the Lands of the Company within the limits,)

In testimony whereof, _____ President 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 fifty _____

President.

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.

SCHEDULE No. 2.

MONTREAL AND VERMONT JUNCTION RAILWAY COMPANY.

No. £ currency.

This Debenture witnesseth, that the Montreal and Vermont Junction Railway Company, under the authority of the Provincial Statute, passed in the 12th year of Her Majesty's Reign, intituled, "*An Act to incorporate the Montreal and Vermont Junction Railway Company,*" and the several Acts amending the same have received from

the sum of _____ currency, 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 _____ pounds, currency, the said Company hereby 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 *Coupon* thereof, which now forms part of this Debenture.

In testimony whereof, _____, President
of the said Company, hath hereunto 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.

Countersigned and entered.

Secretary.