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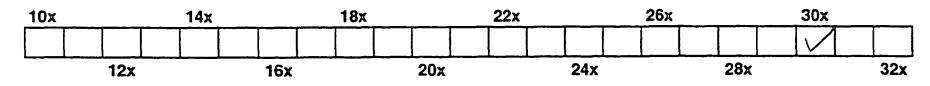
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3d Session, 3d Parliament, 13 Victoria, 1850.

BILL.

An Act to amend An Act to incorporate the St. Lawrence and Atlantic Railroad Company, and other Acts relative to the said Company, and to extend the powers of the said Company.

Received and Read a first time, Thursday, 13th June, 1850.

Second Reading, Monday, 17th June, 1850.

MR. HOLMES.

PRINTED BY TOYELL AND GIDSON. FROME STRPET.



BILL.

An Act further to amend An Act to incorporate the St. Lawrence and Atlantic Railroad Company, and other Acts relative to said Company, and to extend the powers of said Company.

WHEREAS the St. Lawrence and Atlantic Railroad Preamble. Company have prayed for the amendment of their Act of Incorporation and of the Acts or Statutes of this 5 Province, heretofore passed respecting the said Railroad, and it is expedient to grant their said prayer : Be it therefore enacted, &c.

That, hereafter and for so long as The Mayor, Aldermen, Mayorof Monand Citizens of the City of Montreal, shall continue to Director and

- 10 be Proprietors and Owners of Shares or Stock in the eligible for said St. Lawrence and Atlantic Railroad Company, to the extent of twenty-five. thousand pounds currency, the Mayor of the said City of Montreal, shall be *ex-officio*, a Director of the said Company and as such entitled to
- 15 act and vote, and shall be eligible for election as President of the said Company, in like manner as the other Directors.

 II. And be it enacted, That any meeting of the said Quorum of Di-Directors, at which not less than five Directors shall be 20 present, shall be competent to do and perform all acts, and shall have all the powers vested in the Directors of the said Company.

III. And be it enacted, That it shall be lawful for the Directors may Directors of the said Company to sell, either by Public forfeited or 25 Auction or Private Sale, and in such manner and on such unsubscribed terms as to them, shall seem most any Shares or Shares.

- 25 Auction or Private Sale, and in such manner and on such the state terms as to them shall seem meet, any Share or Shares, which shall have been declared to be forfeited in manner provided by the said Act of Incorporation, and also any Share or Shares which shall remain unsubscribed for in
- 30 the Capital Stock of the said Company, or to pledge such forfeited or unsubscribed Shares for the payment of loans or advances made or to be made thereon, or of any sums of money, borrowed or advanced or to be borrowed or advanced by or to the said Company.
- 35 IV. And be it enacted, That a certificate of the Treat What shall be surer of the Company that the calls in respect of any finit of payshares were made, and that default in payment of the mean, and for-

not paid.

feiture, &c., of said calls was made, and that the forfeiture of the shares shares on which calls are was declared and confirmed in manner directed in the said Act shall be sufficient evidence of the facts therein stated; and such certificate, and the receipts of the said Treasurer for the price of such shares shall constitute 5 a good title to such shares; and a certificate of such shares shall be by the said Treasurer countersigned and enregistered, and the name, place of abode and occupation of the purchasers shall be entered in the book or books required to be kept by the By-laws of the Company, and 10 such purchaser s shall thereupon be deemed the holder of such shares, and shall not be bound to see to the application of the purchase money, nor shall his title to such shares be affected by any irregularity in the proceedings in reference to such sale, and any Shareholder may pur- 15 chase any shares so sold.

V. And be it enacted, That in case of the absence or

illness of the President of the Company, the Vice-Presi-

Vico President to act in case of absence, &c. of the President

What shall be evidence of such absence, &c.

.;

dent shall have all the rights and powers of the President, and shall be competent to sign all notes, bills, debentures, 20 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 25 Secretary to enter such absence of 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 30 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.

Officers, agents &c., to account for and pay to the Directors on demand.

VI. And be it enacted, That every Officer, Agent or 35 Servant of the said Company shall from time to time, overallmoneys when required by the Directors, make out and deliver to them, or to any person appointed by them for that purpose, a true and perfect account in writing under his hand of all money received by him on behalf of the Com- 40 pany; and such account shall state how and to whom, and for what purpose such money shall have been disposed of, and together with such account shall deliver the vouchers and receipts for such payments, and shall pay to the Directors, or to any person appointed by them to 45 receive the same, all money which shall appear to be owing by him upon the balance of such accounts.

VII. And be it enacted, That if such Officer, Agent Proceeding, if such officer or or Servant shall fail to render such account, or to produce to account and and deliver up all the vouchers and receipts relating to 50 pay over.

the same in his possession or power, or to pay the balance thereof when thereto required or if for

days after being thereunto required shall fail to deliver up to the Directors, or to any person appointed by them to receive the same all papers, writings, property and

- to receive the same, all papers, writings, property and effects of the said Company in his possession or power, then on a Petition or declaration in writing to that effect being by the Company presented to the Superior Court at the City of Montreal in Term or at the Weekly
 Sittings thereof, or to any Judge or Justice of the
- 10 Sittings thereof, or to any Judge or Justice of the said Court in vacation, a rule or summons shall be thereupon issued by such Court, Judge or Justice calling such Officer, Agent or Servant, to appear at a time and place to be set forth in such summons, to answer such
- 15 Petition or declaration; and on proof or affidavit, that such summons and petition were personally served upon such Officer, Agent or Servant, or left at his domicile, or last known place of abode, in whatever District in Lower Canada the same may be, such Court, Judge or Justice
- 20 shall hear and determine the matter in a summary way and shall adjust and declare the balance owing by such Officer, Agent or Servant; and if it shall appear upon confession, or upon evidence or upon inspection of the account, that any moneys of the Company are in the hands
- 25 of such Officer, Agent or Servant, or owing by him to the Company, such Court, Judge or Justice shall render Judgment on the said Petition and order payment of such sum of money with reasonable costs; and on default of payment after days, it shall be lawful
- 30 for such Court, Judge or Justice to grant an Execution or Warrant directed to the Sheriff of the District within which such Officer, Agent or Servant may reside, or may have property or effects, or to any Bailiff of the Superior Court, commanding such Sheriff or Bailiff to levy such
- 35 sum and costs from the Goods and Chattels, Lands and Tenements of the said Officer, Agent or Servant; and such Warrant or Execution shall be executed and the moneys levied and returned in the same manner and with the same formalities, as a Writ of Execution issued out
- 40 of the said Court on a Judgment rendered in any ordinary suit therein; and in default of a sufficient levy to satisfy, such sum and costs, or if any such Officer, Agent or Servant shall refuse to render such account in writing or to deliver up all papers, writings, property and effects in his
- 45 possession belonging to the said Company the said Court, Judge or Justice may in his or their discretion grant Execution against the body of such Officer, Agent or Servant and commit him to gaol there to remain for a period not exceeding months unless such sum and
- 50 costs shall be sooner paid or until such papers, writings, property and effects of the said Company shall have been delivered up: Provided, that nothing herein contained shall prevent such Court, Judge or Justice from making Proviso. and enforcing such special order as to the seizure and

delivering up of such papers, writings, property and effects as shall in any case appear necessary and just.

VIII. And be it enacted, That if any person fail to Company may detain goods pay the tolls or freight in respect of any carriage or for non-pay- pay the tolls or treight in respect of any carriage of ment of tolls: goods conveyed on the said Railroad it shall be lawful for Proceedings, if the Company to detain such goods and carriage, or any 5 the same benot the Company to detain such goods and carriage, or any paid within a other carriage or goods in the possession or power of certain 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 weeks, the 10 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, 15 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 20 Company unclaimed for the space of months, the Company'shall thereafter, and on giving public notice thereof by advertisement for weeks, in the Canada Gazette, and in such other papers as they may deem necessary, have power to sell such 25 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 months, to be paid 30 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 rous articles.

time.

IX. And be it enacted, That no person shall be entitbound to carry led 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; 40 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 Bookkeeper 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 45 Company the sum of currency, or every such offence; and it shall be lawful for the Com-

pany 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. 50

35

X. And be it enacted, That if any share of shares in What proof the said Company or any interest therein shall have been shall be requitransmitted in consequence of the death or bankruptcy quisition of or in consequence of the last will and testament or wise than by 5 intestacy, of any shareholder or by any lawful means transfer as other than the transfer mentioned in the Act incorpor- the Company's

- ating the said Company the party or parties to whom *** such share or shares or interest thereon shall have been so transmitted, shall lodge in the office of the Company
- 10 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
- 15 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 of the profits of the Company, nor to vote in respect of any such share or shares as the holder 20 thereof.

XI. And be it enacted, That if any Writ of Saisie- Proceedings in case of saisie Arrêt or attachment shall be served upon the said Com- arrêt, faits et pany, it shall be lawful for the Secretary or Treasurer articles, ge.

- 25 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
- 30 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
- 35 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
- 40 the production of a copy of such resolution certified by the Secretary with the said answers, shall be sufficient evidence of such authorization.

XII. And be it enacted, That all suits, actions and All actions proceedings to be instituted against the said Company, against the Company, Company to be 45 shall be commenced and be proceeded with in the Courts brought at holding sittings in the City of Montreal, non shall the Montreal. holding sittings in the City of Montreal, nor shall the Company be held to appear or be impleaded in any other Circuit or District in Lower Canada, notwithstanding the cause of such suit, action or proceeding, shall have arisen 50 within such other Circuit or District.

Provisions of law inconsistent with this Act. XIII. And be it enacted, That the provisions of the Act passed in the eighth year of Her Majesty's Reign, and intituled, "An Act to Incorporate the St. Lawrence and Atlantic Railroad Company," and of the Acts amending the said Act, and of any other Act or Statute in so far as 5 they are inconsistent with the provisions of this Act, shall be and the same are hereby repealed.

Public Act.

XIV. And be enacted, That this Act shall deemed a Public Act.