

No. 89.

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.

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

That, hereafter and for so long as *The Mayor, Aldermen, and Citizens of the City of Montreal*, shall continue to be Proprietors and Owners of Shares or Stock in the 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 act and vote, and shall be eligible for election as President of the said Company, in like manner as the other Directors. Mayor of Montreal to be a Director and eligible for President.

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

III. And be it enacted, That it shall be lawful for the Directors of the said Company to sell, either by Public Auction or Private Sale, and in such manner and on such 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 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. Directors may sell or pledge forfeited or unsubscribed for shares.

IV. And be it enacted, That a certificate of the Treasurer of the Company that the calls in respect of any shares were made, and that default in payment of the What shall be evidence of default of payment, and for-

feiture, &c., of
shares on
which calls are
not paid.

said calls was made, and that the forfeiture of the shares 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 purchasers 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.

Vice President
to act in case
of absence, &c.
of the Presi-
dent.

V. And be it enacted, That in case of the absence or illness of the President of the Company, the Vice-Presi- 20 dent 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 re- 25 quired 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 25 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 Treas- 30 urer 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 Com- 35 pany in Courts of Justice, or otherwise.

What shall be
evidence of
such absence,
&c.

Officers, agents
&c., to account
for and pay
over all moneys
to the Direc-
tors on de-
mand.

VI. And be it enacted; That every Officer, Agent or 35 Servant of the said Company shall from time to time, when required by the Directors, make out and deliver to them, or to any person appointed by them for that pur- 40 pose, a true and perfect account in writing under his hand of all money received by him on behalf of the Company; and such account shall state how and to whom, and for what purpose such money shall have been dis- 45 posed 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 50 receive the same, all money which shall appear to be owing by him upon the balance of such accounts.

Proceeding, if
such officer or
agent refuses
to account and
pay over.

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

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

Company may detain goods for non-payment of tolls: Proceedings, if the same be not paid within a certain time.

VIII. And be it enacted, That 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 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 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 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 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 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 dangerous articles.

IX. 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 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 Company the sum of currency, or 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.

X. And be it enacted, That if any share of 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 5 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 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.

What proof shall be requisite of the acquisition of shares otherwise than by transfer as provided by the Company's acts.

XI. 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 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 cases 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.

Proceedings in case of *saisie arrêt, faits et articles, &c.*

XII. And be it enacted, That all suits, actions and proceedings to be instituted against the said Company, 45 shall be commenced and be proceeded with in the Courts 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.

All actions against the Company to be brought at Montreal.

Provisions of
law inconsis-
tent 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.