

*Laws of His Majesty's Province of Upper Canada*, passed in the year 1857. Toronto: Stewart Derbishire & George Desbarats, 1857.

20 Victoria – Chapter 149

**An Act to incorporate the St. Maurice Railway and Navigation Company. Assented to 10th June, 1857.**

Whereas certain persons have petitioned that an Act may be passed authorizing the construction of a Railway from some point adjoining the Track of the North Shore Railway Company at or near Three-Rivers, hereafter to be selected, to the Grand Piles on the River St. Maurice where the Steam Navigation of that River commences, with power to run one or more Steamers on the navigable waters of that River above the said Grand Piles, and the right of carrying passengers and goods for hire; And whereas a Railway so constructed on the said conditions would advance the colonization of the Valley of the St. Maurice, and render available the ungranted Lands of the Crown adjacent to the River St. Maurice: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

I. Joseph Morrin, Andrew Stuart, Eugène Chinic, Joseph Hamel, Jean Baptiste Renaud, Charles Alleyne and Olivier Robitaille, The Honorable Joseph Cauchon, François Evanturel, François Baby, George Honore Simard, George Okill Stuart, Napoléon Casault, Jean Elie Thibaudeau, all of Quebec, Esquires, and Joseph Edouard Turcotte, Antoine Polette and Aimé Des Islets, of Three-Rivers, Esquires, Sir George Simpson, of Montreal, Knight, Jacques Olivier Bureau, of the County of Napierville, Esquire, and Louis Léon Lesieur Desaulniers, of the County of St. Maurice, Esquire, together with such other person or persons, Corporations and Municipalities as shall under the provisions of this Act, become Shareholders in the Company hereby incorporated, shall be and are hereby ordained, constituted and declared to be a body corporate and politic by and under the name of the St. Maurice Railway and Steam Navigation Company.

II. The several clauses of the Railway Clauses Consolidation Act, with respect to the first, second, third and fourth clauses thereof, and also the several clauses of the said last mentioned Act with respect to "Interpretation," "Incorporation," "Powers," "Plans and Surveys," "Lands and their valuation," "Highways and Bridges," "Fences," "Tolls," "General Meetings," "Directors their election and duties," "Shares and their transfer," "Municipalities," "Shareholders," "Actions for indemnity and fines and penalties and their prosecution," "Working of the Railway," and "General Provisions," shall be incorporated with this Act, and shall accordingly apply to the said Company and the said Railway, except only in so far as they may be inconsistent with the express enactments hereof; and the expression "this Act," when used herein, shall be understood to include the provisions of the Railway Clauses Consolidation Act which are incorporated with this Act as aforesaid.

III. The Company hereby incorporated and their Servants and Agents shall have full power to lay out and construct a Railway between such point connecting with the line of the said Railway Company leading from Quebec to Montreal, in the Town of Three-Rivers, or on the East bank of the St. Maurice, as they shall select, and the place called the Grand Piles or wherever beyond that place the navigation

of the River St. Maurice commences; with full powers to pass over any portion of the Country between the points aforesaid and to carry the said Railway through the Crown Lands lying between the same. The said Company shall also have full power and authority to build, purchase, hold, keep and run one or more steamers on the said River St. Maurice above the said Grand Piles on the navigable waters thereof, and shall be entitled to charge fares and freight for passengers and goods carried on board the same; Provided always that the Railway to be constructed under this Act shall have its terminus in the Town of Three-Rivers; and in case the said Railway shall be built on the east side of the River St. Maurice, such Railway may be extended to the confluence of the River St. Lawrence and St. Maurice, on the bank of the latter river.

IV. The Capital of the Company hereby incorporated shall be two hundred thousand pounds currency (with power to increase the same in the manner provided by the Railway Clauses Consolidation Act,) which said capital shall be raised in thirty-two thousand shares of six pounds five shillings each, and every such share shall entitle the proprietor on every occasion when the votes of the shareholders are to be given, to one vote for every such share.

V. From and after the passing of this Act, the said Joseph Morrin, Andrew Stuart, Eugène Chinic, Joseph Hamel, Jean Baptiste Renaud, Olivier Robitaille, The Honorable Joseph Cauchon, François Evanturel, François Baby, George Honore Simard, George Okill Stuart, Napoléon Casaulf, Jean Elie Thibaudeau, Sir George Simpson, Knight, Jacques Olivier Bureau, Louis Léon Lesieur Desaulniers, John McDougall, Charles Alleyn, Joseph Edouard Turcotte and Antoine A. Polette, and George Baily Houliston, shall be Provisional Directors of the said Company for carrying into effect the object and purposes of this Act.

VI. Deeds and conveyances under this Act for the 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 circumstances of the parties making said conveyance will admit, be made in the form given in the Schedule to this Act marked A, and all Registrars are hereby required to register in their registry books such deeds on the production thereof and proof of execution, without any memorial, and to minute every such entry on the deed, and the said Company shall pay the Registrar therefor two shillings and six pence, and no more.

VII. It shall and may be lawful for the Provisional Directors for the time being of the said Company, or a majority of them, to supply the place or places of any of their number from time to time dying or declining to act as such Provisional Director or Directors, out of the several subscribers for stock in their said Railway to the amount of one hundred and twenty-five pounds currency each during the period of their continuance in office; and such Provisional Directors, except as hereinafter provided, shall be and they are hereby invested with all the powers, rights, privileges and indemnities, and they shall be and are hereby made subject unto the like restrictions, as the elective Directors of the said Company, upon their being elected by the Stockholders of the said Company as hereinafter provided, would under the provisions of the Railway Clauses Consolidation Act and of this Act become invested with or subject unto respectively.

VIII. When and so soon as shares to an amount equivalent to fifty thousand pounds currency in the capital stock of the said Company shall be taken, and ten pounds per centum thereon shall have been

paid into some one of the Chartered Banks of this Province, it shall and may be lawful for the Provisional Directors of the said Company for the time being to call a meeting, at the City of Quebec, of the subscribers for stock therein, and who have paid ten per centum thereon as aforesaid, for the purpose of electing Directors of the said Company: Provided always, that if the said Provisional Directors shall neglect, or omit to call such meeting, then the same may be called by any of the holders of shares in said Company holding among them not less than an amount equivalent to five thousand pounds currency; and of any meeting so called by the Provisional Directors, or by the shareholders as aforesaid, public notice for one month shall be given in at least two news-papers, one published in English and one in French, at Quebec, and in the English and French languages in one or two newspapers published in the Town of Three-Rivers, immediately preceding the time of such meeting; and at such general meeting the shareholders assembled, with such proxies as shall be present, shall choose nine persons to be Directors of the said Company being each a proprietor of shares therein to an amount not less than one hundred and twenty-five pounds currency, and shall also proceed to pass such rules and regulations and by-laws as shall seem to them fit, provided they be not inconsistent with this Act.

IX. The Directors so appointed or those appointed in their stead (at a meeting to be called for that purpose under the conditions aforesaid) in case of vacancy, shall remain in office for one year, or until such time as shall be appointed by any by-law of the Company, not exceeding the said term of a year; and the shareholders shall yearly in like manner at such time and place as shall be provided for by the by-laws, meet and elect Directors in the room of those whose period of office shall have expired, and generally to transact the business of the Company; but if at any time it should appear to any ten or more of such shareholders holding together one thousand shares at least, that a Special General Meeting of the Shareholders is necessary to be held, it shall be lawful for such ten or more of them to cause fifteen days' notice at least to be given thereof, in such newspapers as are hereinbefore provided, specifying in such notice the time and place, and the reason and intention of such Special Meeting respectively; and the shareholders are hereby authorized to meet pursuant to such notice and proceed to the execution of the powers by this Act given to them with respect to the matter so specified only; and all such acts of the shareholders or the majority of them at such special meetings assembled, (such majority not having either as principal or proxies less than five hundred shares) shall be as valid to all intents and purposes as if the same were done at Annual Meetings.

X. It shall and may be lawful for the Directors of the said Company for the time being, to make, execute and deliver all such scrip and share certificates, and all such bonds, debentures, mortgages, or other securities, as to the said Directors for the time being shall from time to time seem most expedient for raising the necessary capital for the time being authorized to be raised by the said Company, or for raising any part thereof.

XI. All bonds, debentures and other securities to be executed by the said Railway Company may be payable to bearer, and all such bonds, debentures or other securities of the said Company, and all dividends and interest warrants thereon respectively, which shall purport to be payable to bearer, shall be assignable at law by delivery, and may be sued on and enforced by the respective bearers and owners thereof for the time being in their own names.

XII. Any meetings of the Directors of the said Company, at which not less than five of such Directors shall be present, shall be competent to exercise and use all and every of the powers hereby vested in the said Directors.

XIII. Calls may be made by the Directors of the said company for the time being: Provided that no call to be made upon the subscribers for stock in the said Railway Company, shall exceed the sum of ten pounds per centum upon the amount subscribed for by the respective shareholders in the said Company, and that the amount of any such calls in any one year shall not exceed fifty pounds per centum upon the Stock so subscribed; Provided also, that upon the occasion of any person or Corporation becoming a subscriber for Stock in the said Company, it shall and may be lawful for the Provisional and other Directors of the said Company for the time being to demand and receive to and for the use of the said Company the sum of ten pounds per centum upon the amount so by such person or Corporation respectively subscribed, and the amount of such calls as shall have already been made payable in respect of the stock then already subscribed, at the time of such person or corporation respectively subscribing for stock.

XIV. And in order to aid and encourage the said Railway and the navigation of the St. Maurice, Be it enacted, that one million five hundred thousand acres of the ungranted lands of the Crown in the neighbourhood of said River St. Maurice as close to the said Railway as may be, shall be and are hereby set aside for the purposes of this Act, and whenever the said Railway shall be actually completed in a good and permanent manner with Stations, rolling Stock and other appurtenances sufficient for the proper working thereof, then upon the report of some skilled engineer whom the Governor shall appoint for that purpose, and the approval of such report by the Governor in Council, and upon satisfactory evidence that the said Company is proprietor of one or more steamers suited for the navigation of the St. Maurice, on the said river, and on the Company giving a bond to the satisfaction of the Inspector General to run such steamer and to keep open the said Railway, there shall be granted to the said Company, by the Governor in Council, one million five hundred thousand acres of ungranted lands of the Crown lying as near as may be to the said Railway, and the said navigable waters of the St. Maurice; and such grant shall be a free grant, and the Company shall have full power to alienate the lands so granted, and to deal with the same in such manner as they may think proper; Provided always that such grant shall be of tracts of ten miles front by twenty in depth, alternating with other tracts to be reserved for Public Lands; and the Directors of the said Company may, subject to the aforesaid conditions, pledge its interest in such lands as security for any sum necessary to construct the said Railway and works, or to build or purchase the said steamer or steamers.

XV. The said North Shore Railway Company shall have the right of amalgamating with the said St. Maurice Railway and Steam Navigation Company, as one Company, within one year from the passing hereof; and as far as the same shall be necessary to such union and to all proceedings previous or subsequent thereto, the provisions of the Acts passed in the sixteenth year of Her Majesty's Reign, and chaptered, respectively, thirty-nine and seventy-six, shall apply as fully as to the Railways and Railway Companies therein mentioned: Provided: always, that whenever the Directors of the North Shore Railway Company shall (within one year from the passing of this Act) have decided to amalgamate that Company with the Saint Maurice. Railway and Navigation Company, and two thirds of the votes of the shareholders of the said North Shore Railway Company present, in person or by proxies, at a general

meeting called expressly for that purpose in the manner provided by the eighth Section of this Act, shall have ratified the above decision of the said Directors, then the said two Companies shall by virtue of such ratification be *ipso facto* amalgamated, without any action or assent on the part of the St. Maurice Railway and Steam Navigation Company, and shall become one and the same Corporation and Company, under the title of the North Shore and St. Maurice Railway and Navigation Company, and the Directors and Provisional Directors (if any) of the two Companies so amalgamated, shall be the Directors of the Company formed out of the said amalgamated Companies, until the then next election of Directors which shall be made on the day appointed for the then next general meeting of the North Shore Railway Company for the election of Directors, according to the provisions of the Act incorporating that Company: Provided further, that (in case of such amalgamation being decided upon) before such amalgamation shall be finally effected, any shareholders in the Company hereby incorporated who may refuse to consent to such amalgamation, shall first be repaid all moneys by them paid on their Stock, with interest, and shall thereupon cease to hold any Stock or interest therein; And the proceeds of the said Crown Lands if sold, or the rents, issues and profits thereof, if retained, shall be applied to the construction of the Railways of the said amalgamated Company and to no other purpose whatsoever, until the whole Railway line of the said amalgamated Company shall be completed.

XVI. And whereas it may be necessary for the said Company to possess gravel pits and lands containing deposits of gravel, as well as lands for stations and other purposes at convenient places along the line of Railway for constructing and keeping in repair and for carrying on the business of the said Railway, and as such gravel pits and deposits cannot at all times be procured without buying the whole lot of land whereon such deposits may be found, — It is therefore enacted, that it shall be lawful for the said Company and they are hereby authorized, from time to time to purchase, have, hold, take, receive, use and enjoy, along the line of the said Railway or separated therefrom, and if separated therefrom, then with the necessary right of way thereto, any lands, tenements and hereditaments which it shall please Her Majesty or any person or persons, or bodies politic, to give, grant, sell or convey unto, and to the use of or in any trust for the said Company, their successors and assigns, and it shall and may be lawful for the said Company to establish stations or workshops on any of such lots or blocks of land, and from time to time by deed of bargain and sale or otherwise, to grant, bargain, sell or convey any portions of such lands not necessary to be retained for gravel pits, sidings, branches, wood-yards, station grounds or workshops, or for effectually repairing, maintaining and using to the greatest advantage, the said Railway and other works connected therewith.

XVII. The said Railway shall be commenced within two years and completed within five years after the passing of this Act, and unless commenced and completed within the said several periods, all rights to the said grant of land shall cease, and it shall in either of such cases be lawful to pass an Act incorporating another Company to construct the said Railway from Three-Rivers to the navigable waters of the River St. Maurice as aforesaid.

XVIII. The Interpretation Act shall apply to this Act, and this Act shall be deemed a Public Act.

Schedule A.

Know all men by these presents that I, \_\_\_\_\_ (insert the name of the wife also, if she is to release her dower, or for any other reason to join in the conveyance) do hereby in consideration of \_\_\_\_\_ paid to me (or, as the case may be) by the St. Maurice Railway and Steam Navigation Company, the receipt whereof is hereby acknowledged, grant, bargain, sell, convey, and confirm unto the said St. Maurice Railway and Steam Navigation Company, their successors and assigns, for ever, all that certain parcel or tract of land situate (describe the land) the same having been selected and laid out by the said Company for the purpose of their Railway; to have and to hold the said land and premises together with every thing appertaining thereto, to the said St. Maurice Railway and Steam Navigation Company, their successors and assigns for ever, (if there be dower to be released, add) and I, (name the wife) hereby release my dower in the premises.

Witness my hand (or our hands) and seal (or Seals) this \_\_\_\_\_ day of \_\_\_\_\_, one thousand eight hundred and \_\_\_\_\_

A. B. (L. S.)  
C. D. (L. S.)

Signed, sealed and delivered  
in the presence of \_\_\_\_\_  
O. K.