



CHAPTER 126

An Act to incorporate the Normetal Railway Company

[Assented to, the 8th of April, 1938]

WHEREAS the Lieutenant-Governor in Council, by Preamble. order-in-council dated the 29th day of May, 1937, gave permission to Normetal Mining Corporation, Limited, (hereinafter, for convenience, called "the Mining Company") pursuant to the provisions of sections 105 and 106 of the Quebec Mining Act, to construct a tramway of a length of 12.4 miles from Range X, in the township of Desmeulizes, to Dupuy station, on the eastern division of the National Transcontinental Railway, in the township of La Reine, in the county of Abitibi, (hereinafter, for convenience, called "the said line of railway"), upon certain conditions therein set forth; and

Whereas one of the said conditions was that the Mining Company should obtain incorporation by means of a Private Bill to be presented at the next session of Parliament; and

Whereas the Mining Company has, pursuant to such permission, commenced the construction of the said line of railway, has acquired in its own name titles to portions of its necessary right-of-way and other lands, and has taken certain expropriation proceedings, which are still pending; and

Whereas the Mining Company and the petitioners named in section 1 of this act, in compliance with the conditions aforementioned, have, by their joint petition, prayed that a company be incorporated, among other things, to take over, complete the construction of, and to maintain and operate the line of railway or tramway mentioned in the said order-in-council, and it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, with the advice and consent of the Legislative Council and of the Legislative Assembly of Quebec, enacts as follows:

- 1.** James Henry Cecil Waite, of the city of Toronto, mining engineer; the Honourable Charles McCrea, of the city of Toronto, one of His Majesty's Counsel; Richmond Wyllie Hart, of the city of Toronto, barrister-at-law; William Cedric Nicholson, of the city of Montreal, one of His Majesty's Counsel; Hugh Emmett O'Donnell, of the city of Montreal, advocate, and all others who may hereafter become shareholders in the company hereby incorporated, are hereby constituted and declared to be a corporation under the name of "Normetal Railway Company" (hereinafter, for convenience, called "the Railway Company").
- 2.** The persons named in section 1 of this act shall be the provisional directors of the Railway Company.
- 3.** The capital stock of the Railway Company shall be two hundred and fifty thousand dollars, divided into twenty-five hundred shares of one hundred dollars each.
- 4.** Subject to the provisions of subsection 27 of section 9 of the Quebec Railway Act, the capital stock of the Railway Company may be increased from time to time by by-law of the Company up to the sum of five hundred thousand dollars.
- 5.** The head office of the Railway Company shall be at the city of Montreal.
- 6.** The annual meeting of the Railway Company shall be held on such date as may be fixed from time to time by by-law of the Company.
- 7.** The board of directors shall not be less than three, nor more than nine, a majority of whom shall form a quorum.
- 8.** At any time after the passing of this act the provisional directors shall call a general meeting of the shareholders of the Company, to be held at the city of Montreal, at such time as they may determine, for the purpose of passing or confirming the by-laws of the Railway Company, for the election of directors, and conducting any other business specified in the notice calling the meeting.

9. All notices of general or special meetings of the shareholders of the Railway Company shall be in writing, specifying the date, place and object of the meeting. Such notices shall be signed by the secretary of the Company or any other person designated by the directors, as the case may be, and sent by mail or otherwise to the last address given by each shareholder of the Company at least seven days before the date of the meeting. Giving of notice of meetings.

10. All proceedings taken and things heretofore done by the Mining Company in connection with the said line of railway, pursuant to the authorities and powers contained in the said order-in-council, are hereby ratified and confirmed. Validation of certain proceedings, etc.

11. 1. The Mining Company may from time to time transfer to the Railway Company all its right, title and interest in and to the said line of railway, and every or any part thereof, on such terms and for such considerations in shares or securities of the Railway Company (which the Railway Company is hereby authorized to create and issue) or cash, as may be agreed upon; and the Railway Company may conduct and carry on in the name of the Railway Company or, at discretion, in the name of the Mining Company, all expropriation proceedings or other proceedings whatsoever at any time taken by the Mining Company under the Quebec Railway Act or otherwise, for the acquisition of any lands, or interest in lands, in connection with the said line of railway. Transferring of rights, etc.

2. The consideration for any such transfer, whether consisting of fully paid shares, or securities of the Railway Company, or cash, or partly in one form and partly in another or others, shall be deemed for all purposes to be capital of the Railway Company expended upon the lines of railway which the Company is, by this act, authorized to construct. Consideration for such transfer.

12. The Railway Company may, without filing any further or other maps, plans or books of reference than those already filed by the Mining Company, complete, equip and operate, by means of steam, electricity, internal combustion engines or any other form of motive power, the said line of railway, of which the Mining Company has, as aforementioned, heretofore commenced the construction. Completing, etc., of railway.

13. The said line of railway shall be completed and put in operation within two years from the passing of this act. Delay for completion, etc.

Provisions not applicable.

Sections 179 to 181 (inclusive) and section 186 of the Quebec Railway Act shall not apply to the said line of railway or the Railway Company.

Deemed not to be common carrier.

14. Since the said line of railway is designed and constructed for the purpose of connecting the mines and works of the Mining Company with existing lines of railway and for the handling and removal of its ores and products, the Railway Company shall not be, nor be deemed to be, a common carrier of passengers; but the Railway Company may transport over its lines of railway, or by means of its highway or air facilities, the officers, servants, agents, employees and invitees of the Mining Company, and all its own officers, servants, agents, employees and invitees, and all others interested in the several undertakings of the said parties, or doing business with the said parties or either of them, on terms to be agreed upon with the Railway Company.

Provisions not applicable to company.

15. 1. The provisions of the Quebec Railway Act respecting the carriage of passengers and the requirements thereof, incidental to the carriage of passengers, shall not apply to the Railway Company.

Approval not required.

2. Notwithstanding anything contained in sections 48 to 59 of the Quebec Railway Act, by-laws, rules and orders of the Railway Company not relating to or affecting any party other than the members or servants of the Railway Company shall not require approval.

Ceasing of operations.

16. Since the earning power of the Railway Company will be dependent upon the successful and continuous operations of the undertaking of the Mining Company, the Railway Company may cease operations if and when at any time the Mining Company's mines are closed down, and shall not be liable to the sequestration of its properties by reason of any such cessation of operations.

Powers of company.

17. The Railway Company may also:

a. Subject to the provisions of subsection 22 of section 9 of the Quebec Railway Act (and notwithstanding the limitation of six miles in such subsection provided), construct, equip and operate branch lines or extensions in any direction from any point on the said line of railway, to any mines or mining properties, not exceeding, however, twenty-five miles in length of any such branch line or extension;

b. Construct highways, roads or ways to or upon any mining properties;

c. Construct and operate telegraph and telephone lines along the said line of railway and branches and extensions, and may enter into agreements with any other telegraph or telephone company for exchange and transmission of messages and for the working in part or in whole of the lines of the contracting parties;

d. Acquire, hold, lease, alienate or convey all moveable or immoveable property in connection with or forming part of its undertakings;

e. Acquire, construct, own, maintain and operate motor trucks or motor vehicles for the carriage of traffic upon any highways, roads or ways, and aeroplanes and other aerial equipment for the carriage thereof by air, together with all properties and facilities necessary or desirable in connection with the operation thereof;

f. Enter into agreements with municipalities with respect to the construction, maintenance and operation of its undertakings;

g. Acquire, lease, hold, use and operate its works and undertakings, and sell or lease the same in whole or in part to any other company authorized to acquire the same; acquire and exercise the properties, powers, rights, privileges and franchises, or any part thereof, of any other railway or transportation company either in its own name or in the name of such other company; issue its paid-up capital stock or securities for any properties or interests therein at any time constructed or acquired by the Mining Company or the Railway Company; amalgamate and consolidate its works and undertakings with the works and undertakings of any other company thereto authorized, on such terms and conditions as may be agreed upon by the contracting parties.

Labour must be taken in the Province of Quebec in the proportion of at least ninety per cent. This provision shall also apply with respect to all the materials which the Railway Company may procure in the Province on the same or better conditions than those obtainable elsewhere. Labour, etc.

18. The Railway Company may also enter into agreements with any other railway company, including the Crown, in the right of the Dominion of Canada, as controlling the lines of the National Transcontinental Railway, and including the Canadian National Railway Company as managers and operators of such lines: Entering into agreements.

a. For the making of railway connections between them, for the interchange of traffic, and the apportionment of tolls in respect thereof; Purpose of such agreements.

b. For the use of railway facilities of either party or for the operation or movement of trains or cars of either party over the lines or tracks of the other;

c. For the exercise, by either party, of any powers, rights or privileges of the other, incidental to the foregoing.

Issuing of
bonds, etc.

19. The Railway Company may issue bonds, debentures or other securities to the extent of sixty thousand dollars per mile of the railway, branches and extensions which the Company is by this act authorized to construct or complete and such bonds, debentures or other securities may be issued only in proportion to the length of railway and branches constructed or under contract to be constructed, the whole in conformity with the act 1 Edward VIII (2nd Session), chapter 31.

Provisions
applicable
to railway
company.

20. Except where inconsistent with the provisions of this act, the provisions of the Quebec Railway Act and amendments thereto shall apply to the Railway Company in respect of the construction, operation and maintenance of the said line of railway or branches therefrom or extensions thereof, but shall not apply to the Railway Company as regards its other powers, which shall be exercised in accordance with the provisions of the general laws of the Province, except in case of express derogation by or incompatibility with this act.

Coming into
force.

21. This act shall come into force on the day of its sanction.