

C H A P . 9 2

An Act to amend the charter of the Sherbrooke Railway and Power Company

[Assented to 14th March, 1912.]

WHEREAS the Sherbrooke Railway and Power Company, ^{Preamble.} incorporated by the act 59 Victoria, chapter 64, as amended by the act 1 George V. (1st session) chapter 73, has by its petition represented that certain amendments to the said charter are desirable in order to facilitate the extension and proper carrying out of its undertaking, and has prayed that its charter be amended, and that it be given increased and additional powers ;

And whereas it is expedient to grant such prayer ;

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

1. Section 3 of the act 59 Victoria, chapter 64 as replaced 59 V., c. 64, by section 3 of the act 1 George V, (1st session), chapter s. 3, am. 73, is hereby amended :

(a) By replacing sub-section (1) thereof by the following :

“3. (1) The company may lay out, construct, equip, ^{Route of} maintain and operate a single or double track street railway, ^{railway, &c.} with all necessary switches, side-tracks and turnouts for the passage of cars, carriages and other vehicles upon and along the streets, roads, lanes, squares, bridges and public places and upon the lands acquired for that purpose, both in the city of Sherbrooke and outside the limits thereof, but not extending beyond the limits of the territory comprised of the districts of St. Francis, Arthabaska, Beauce, Bedford and St. Hyacinthe, which may be referred to as the territory in which the company has the right to operate under its charter, and may carry passengers, baggage, freight, and His Majesty's mails thereon by animals, electricity, or compressed air, or by such other motive power, except steam, as the company, from time to time deems expedient, except that during the period of winter, the company may substitute sleighs drawn by horses.

The work of constructing the tramway authorized by this subsection in the districts of Saint Francis, Arthabaska, Beauce, Bedford, and Saint Hyacinthe, shall be commenced within five years and completed within ten years from the date of sanction of this act.”

(b) By replacing sub-section (4) thereof by the following :

“ (4) The company may also make, generate and deal ^{Generating}

electricity,
&c.

in electricity for heating, power and illuminating purposes in the municipalities situated within the limits of the territory in which the company has the right to operate under its charter ; but in the city of Sherbrooke, the company shall have such powers only in accordance with the terms of any such contract which may be made between the city and the company under by-law number 280, or by any other by-law of the city and not otherwise."

Id., s. 6, re-
placed.

2. Section 6 of the act 59 Victoria, chapter 64 is replaced by the following :

Sharehold-
ers' meeting.

"**6.** The annual general meeting of the shareholders of the company shall be held on the date and at the place determined by by-law of the company."

Id., s. 13, re-
placed.

3. Section 13 of the act 59 Victoria, chapter 64, is replaced by the following :

Payment of
fares, &c.

"**13.** The fare shall be due and payable by every passenger on entering a car ; and any person, who refuses to pay the fare when demanded by the conductor or driver, shall be subject to the provisions of section 6637 of the Revised Statutes of Quebec, 1909 and on summary conviction thereof before a justice of the peace be liable to a fine of not more than twenty dollars."

Id., s. 14, re-
placed.

4. Section 14 of the act 59 Victoria, chapter 64 is replaced by the following :

Grants to
company by
certain mun-
icipalities,
&c.

"**14.** The municipal council of the city of Sherbrooke, of the village of Lennoxville, and of any other municipality within the territory in which the company has the right to operate under its charter may, subject to the provisions of this act, give and grant to the company the exclusive rights to build and operate such a railway within the limits of such municipality for any period of time not exceeding forty years; subscribe for and hold shares in the capital stock of the company ; make and give grants of money or land, exemptions from taxes and assessments, bonuses, loans and other benefits and advantages ; pledge the credit of the municipality in order to guarantee the payment of any bonds to be issued by the company, or any loan made to the company ; and make with the company such agreements, contracts and deeds as they may deem advisable. But this section and the other sections of this act are declared to be subject to section 88 of the charter of the city of Sherbrooke (55-56 Victoria, chapter 51) and to any similar provisions of the Municipal Code or the Revised Statutes respecting town corporations or any other provisions amending the same."

5. Section 16 of the act 59 Victoria, chapter 64, is hereby replaced by the following : Id., s. 16, replaced.

"16. The municipal council of the city of Sherbrooke or of any municipality within the territory in which the company has the right to operate under its charter may pass by-laws, and amend and repeal the same, for the purpose of carrying into effect any such agreements ; and such by-laws may contain all necessary clauses, provisions, rules and regulations for the conduct of all parties concerned, and for enjoining obedience to such by-laws, for facilitating the running of the company's cars, and for regulating the traffic in and conduct of all persons travelling upon the streets and highways through which the said railway passes, and for the due carrying on by the company in any such municipality the powers and franchises which the company is entitled to exercise therein". Municipal by-laws for certain purposes.

6. The company is authorized to store, convey, distribute, deliver, sell and supply, within the territory in which the company has the right to operate under its charter, water for drinking, sanitary, fire, or any other purposes, and to carry on the business of a water-works company in all its branches ; and to sink wells and shafts, and to make, build and construct, lay down and maintain dams, reservoirs, water-works, canals, cisterns, tunnels, culverts, filter-beds, main and other pipes, tubes, flumes, and appliances, and to execute and do all other works and things necessary or convenient for obtaining, storing, selling, delivering, measuring and distributing water, or otherwise for the purposes of the company. Storage, &c., of water, &c.

7. The company is authorized to store, convey, distribute, deliver, manufacture, sell and supply gas for lighting, heating and other purposes, and to carry on the business of gas-works within the territory in which the company has the right to operate under its charter ; to construct, manufacture, and maintain works for storing, holding, receiving, purifying, distributing and delivering gas, and all other buildings and works, meters, pipes, mains, fittings, machinery, apparatus and appliances necessary or convenient for the purposes of the company ; to deal in, manufacture and render saleable, coke, coal, tar, pitch, asphaltum, ammoniacal liquor, or other residual products or by-products obtained in the manufacture of gas ; and to manufacture, buy, sell, rent, lease, let on hire and deal in, stoves, engines, and other apparatus and appliances which may seem calculated, directly or indirectly, to promote the consumption of gas. Storage, &c., of gas, &c.

8. The company are authorized, to purchase, take or acquire Acquisition

of shares of
other com-
panies, &c.

by original subscription or otherwise, and to hold, sell, or otherwise dispose of shares, stock whether common or preferred, debentures, bonds and other securities of any other company having objects similar in whole or in part to the objects of this company, and also to vote all shares so held through such attorney or agent as the directors may appoint.

Guarantee of
certain pay-
ments.

9. The company are authorized, to guarantee the payment of the principal, interest, sinking fund or dividends payable upon or in respect of any bonds, debentures, stock, shares, or other securities, which the company is authorized to acquire, hold or dispose of.

Amalgam-
ations, &c.

10. The company is authorized, to amalgamate or consolidate with, or sell, lease, transfer and convey, in whole or in part, to any other company, carrying on any undertaking, in whole or in part similar to the undertaking which this company is authorized to carry on, its undertaking and property, including its charters, contracts, franchises, rights, powers, privileges, immunities, and exemptions, of every description and kind whatsoever, upon such terms and conditions, and for such considerations, and in particular for the bonds, debentures, shares, or securities of such other company, as may be approved by the majority of the holders of the shares issued by this company present or represented by proxy at a special general meeting of its shareholders duly called to consider the same.

Acquisition
of property
of other com-
panies.

11. The company is authorized to acquire by purchase, lease or otherwise, in whole or in part, from any other company carrying on any undertaking, in whole or in part similar to the undertaking which this company is authorized to carry on, its undertaking and property, including its charters, contracts, franchises, rights, powers, privileges, immunities, and exemptions, of every description and kind whatsoever, upon such terms and conditions, and for such considerations, and in particular for the bonds, debentures, shares or securities of this company, as may be approved by the majority of the holders of the shares issued by this company present or represented by proxy, at a special general meeting of its shareholders duly called to consider the same.

Expropria-
tion for right
of way.

12. The company is authorized to expropriate the right of way required by the company for the installation of one or more lines for the transmission of electricity, or for the instalment of one or more mains for the conveyance of gas or water, in or through the territory in which it has the right to operate under its charter. The expropriation, as well as the proceedings respecting the immediate taking possession of the

immoveable property, or any interest therein, or right of way required shall take place in accordance with the provisions of articles 7287 to 7294 inclusively of the Revised Statutes, 1909.

13. The company is authorized to expropriate, in or through the territory in which it has the right to operate under its charter, immoveable property or any interest therein, or any part thereof, and riparian rights required by the company for the construction and maintenance of power-houses, water-works, gas-works, dams, reservoirs, canals, cisterns, culverts, tunnels, filter-beds, drains, canals, sluices, pipes, gas-mains, water-mains, tubes and flumes. The expropriation, as well as proceedings respecting the immediate taking possession of the immoveable property, or any interest therein or right of way required, shall take place in accordance with the provisions of articles 7287 to 7294 inclusively of the Revised Statutes, 1909. What may be expropriated.

14. The contract made between the company and the municipality of the village of Stanstead Plain, dated the 15th day of August, 1911, and the contract made between the company and the municipality of the village of Rock Island, dated the 1st day of August, 1911, and the contract made between the company and the corporation of the village of North Hatley, dated the 6th day of November, 1911, are, and each of them is, hereby ratified and confirmed, and shall have full force and effect, according to the tenor thereof, as fully as if the same were incorporated in the present act. Certain contracts ratified.

15. Any municipality, within the territory in which the company has the right to operate under its charter, and the company, are authorized to enter into agreements granting to the company all licenses, rights, powers, privileges, exemptions and immunities necessary or convenient for the proper and efficient carrying out of any of the purposes of the company within the limits of such municipality, and particularly in, along and upon the streets and highways situate within the limits of such municipality, for the time and upon the terms and conditions, and for the considerations which may be agreed upon between them. Agreements with municipalities.

16. The powers granted by sections 6 and 7 of this act shall not be exercised within any municipality in the Province, unless and until a by-law authorizing the same is passed by the council of such municipality and approved by the municipal electors thereof. Certain powers to be approved by certain municipalities.

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