

C H A P . 8 1

An Act to incorporate The Montreal and Northern Colonization Railway Company (*La Compagnie de Chemin de fer Colonisation, Montréal et Nord.*)

[Assented to 24th March, 1911]

Preamble. **W**HEREAS the persons hereinafter mentioned have, by petition, represented that the construction of the railway hereinafter described will promote colonization, contribute to the development and utilization of the natural resources of the Province of Quebec, and will be advantageous to the trade of the Province, and for such reasons the construction and operation of such railway will constitute an enterprise of public interest ;

Whereas they have prayed for the incorporation of a company for the purpose of constructing and operating a railway and for other purposes as hereinafter described, and whereas they have further prayed that certain clauses of the general law respecting railways be amended for the purposes of the undertaking, and it is expedient to grant the prayer of such petition ;

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

- Persons incorporated. **1.** The Hon. Achille Bergevin, M. L. C., broker ; Robert Bickerdike, M. P. ; Olivier Faucher, merchant ; Edmond Porcheron, agent ; William Williamson, merchant, and Ovila S. Perreault, manufacturer as well as all other persons who may become shareholders in the company, are hereby incorporated
- Name. under the name of "The Montreal and Northern Colonization Railway Company" or "*La Compagnie de chemin de Fer Colonisation, Montréal et Nord.*"
- Head office. **2.** The head office of the company shall be in the city of Montreal.
- Capital stock. **3.** The capital stock of the company shall be five million dollars divided into shares of one hundred dollars each on which the directors may call up instalments from time to time, but no one call shall exceed ten per cent on the shares subscribed.
- Law governing. **4.** The company shall be governed by the Railway Act (articles 6467 and following of the Revised Statutes, 1909) in so far as the same is not derogated from by this act.

5. The persons mentioned in section 1 of this act shall constitute the board of provisional directors of the company and three of them shall be a quorum Provisional directors.

6. The first general meeting of the shareholders of the company shall be held on the 7th August, 1911 in the city of Montreal. First shareholders' meeting.

7. The company's affairs shall be managed by a board of directors to the number of nine, who shall be elected according to law. Directors.

The quorum of all meetings of the directors shall be five. Quorum.

8. The company may, under the authority of a resolution passed by the ordinary shareholders at any annual general meeting or at a special general meeting duly called for that purpose, at which meeting shareholders representing at least one half in value of the subscribed stock of the company are present or represented by proxy, issue any portion of its capital stock, as preference stock, and such preference stock shall have such preference and priority as respects dividends and otherwise over ordinary stock as may be declared by the resolution. Holders of such preference stock shall be shareholders within the meaning of this act, and shall in all respects possess the rights and be subject to the liabilities of shareholders within the meaning of this act. Preferred stock, &c.

9. The company may acquire, in whole or in part, by lease or purchase, and exercise, the franchises and rights of the same kind as its own conferred upon any company within the territorial limits assigned to the company. Acquisition, &c., of certain franchises.

10. The company may transfer to its nominees such stocks as may be necessary to qualify them as directors of any other company in which it may hold stock. Qualifying stock.

11. The company may, for the purposes of its business, acquire, by lease, purchase or otherwise, and use and dispose of, any rights in letters patent, franchises and patent rights. Acquisition of letters patent, &c.

12. The company may lay out, construct and operate a railway of the gauge of four feet, eight and one-half inches, whereof the motive power shall be steam, electricity or other motive power, from a point in or near the city of Montreal, and extending in a north northwesterly direction to a point on James Bay, passing through the counties of Jacques Cartier, Laval Terrebbonne, Two Mountains, Argenteuil, Montcalm, Ottawa and Pontiac, as far as James Bay. Railway of company.

Issue of
bonds, &c.

13. The company may issue bonds, debentures or other securities to the extent of twenty-five thousand dollars per mile of the main line and branches or extensions ; and such bonds, debentures or other securities may be issued only in proportion to the length of railway constructed, or under contract to be constructed, or separately in respect of the main line and any of the branches, on the whole line of railway and branches ; and the company may issue such bonds, debentures or other securities in one or more separate series, and limit the security for any series to such of the franchises, properties, assets, rents and revenues of the company, as are described in the mortgage made to a trustee or trustees to secure such separate series of bonds, debentures or other securities.

Building,
&c., of ves-
sels, &c.

14. The company may, for the purposes of its business, build, purchase, hire, or otherwise acquire, charter, own, control and operate steam and other vessels for the carriage of passengers, mails and cargo, on any lakes, rivers or other navigable waters, or on the river and gulf of St. Lawrence, within the limits of the Province of Quebec, as is found expedient ; and may enter into agreements with owners of such vessels for any of such purposes.

Acquisition,
&c., of shares
in other com-
panies, &c.

15. The company may acquire, take, subscribe and hold, either in the name of the company, or in the name of some person as trustee for the company, and dispose of, shares in any incorporated company having for one of its objects the carrying of passengers, mails and cargo from any ports reached by its railway to any other port or ports.

Purchase,
&c., of lands,
&c.

16. The company may purchase, lease or otherwise acquire, hold, enjoy, and manage, either in the name of the company or in the name of a trustee or trustees for the company, such lands, wharves, docks, dock-yards, slips, warehouses, elevators, offices and other buildings as it finds necessary and convenient for its purposes ; and may construct any of such works or buildings and sell or otherwise dispose thereof for the purposes of the company ; and may carry on the business of warehouseman and wharfinger, and charge wharfage and other dues for the use of any such property and may take and hold, either in the name of the company or in the name of some other person as trustee for the company, and dispose of, shares in any incorporated company having for one of its objects the exercise of any of the powers by this section conferred upon the company, and may enter into any agreements with any such company, respecting the use of any of the property of such company.

17. The company may, for the purposes of its railway and steamships and in connection with its business :

Powers of
company.

a. Build, purchase, lease or otherwise acquire, manage or control, at such points or places along its railway or any branch thereof, or at any ports or places of call of any of its steamships, such buildings as it deems advisable for hotels and restaurants, and purchase, lease and hold the land necessary for such purposes, and carry on business in connection therewith, and afford such facilities as may tend to the comfort and convenience of the travelling public, and let any such building for such purposes, and acquire, hold and dispose of shares in any incorporated company having for one of its objects the exercise of any of the powers by this section conferred upon the company, and enter into agreements with any such company respecting any of such buildings, lands, facilities or business ;

Building,
&c., of hotels,
&c.

b. Purchase, lease and hold lands required for, and lay out, establish and manage parks and pleasure grounds, and give a lease thereof.

Purchase of
lands, for
parks, &c.

18. Any bonds, debentures or other securities authorized by this act may be issued in whole or in part and may be made payable, both as to principal and interest, in Canada, the United States or Europe ; and the whole or any of such bonds, debentures or other securities may be pledged, negotiated or sold upon such conditions and at such price as the directors, from time to time, deem advantageous and in the interest of the company.

Money in
which bonds,
&c., may be
paid, &c.

19. 1. The company may construct, maintain, and operate such telegraph and telephone lines upon and along its railway and branches as may be necessary for its undertaking ; and, for any of the said purposes, may enter into agreements with any other company, or may lease the company's lines or any portion thereof and may connect its lines with the lines of any companies having authority to operate telegraph or telephone lines, and may enter into arrangements with any such companies for the exchange and transmission of messages or for the working in whole or in part of the lines of the company.

Construc-
tion, &c., of
telegraph
lines, &c.

2. No rates or charges shall be demanded or taken from any person for the transmission of any message by telegraph or telephone, or for leasing or using the telegraphs or telephones of the company, until such rates or charges have been approved of by the Lieutenant-Governor in Council ; and such rates and charges shall be subject to revision, from time to time, by the Lieutenant-Governor in Council.

Approval of
telegraph,
&c., charges.

Aquisition,
&c., of land,
&c., for cer-
tain pur-
poses.

20. The company may, for the purposes of its railway or such railways as it may acquire, lease or operate, or for its stations, hotels, restaurants, parks, recreation grounds, steamboats or other steamships, wharves, docks, dock-yards, slips, landing docks, warehouses, elevators, and offices, possessed by it or under its control, acquire, utilize and develop such lands and water-powers in the vicinity of its railways or branches, and construct, maintain and operate such dams, reservoirs, buildings and works as are deemed advisable for the generation, transmission and distribution of electricity for light and heat.

Proviso.

The company shall not exercise the powers conferred upon it by this section in the district of Beauharnois.

Running
rights, &c.

21. The company may enter into a lease of, or acquire running powers over or the right to work the line of, or enter into working arrangements with any other railway company which has been or is hereafter empowered to make or grant the same to or with the company, or may acquire by purchase the whole or any part of the railway and appurtenances of any other company so empowered to sell the same to the company ; such transactions shall, however, be subject to the approval of two-thirds of the votes of the shareholders of the company present or represented by proxy at an annual meeting or at a special general meeting duly called for that purpose, and thereafter the company may acquire and hold shares, bonds or other securities of such other companies ; and such agreements shall also be subject to the approval of the Quebec Public Utilities Commission.

Building of
bridges, &c.?

22. The company may build bridges, subways or tunnels, and may construct or arrange them so as to make them suitable for the passage of horses, vehicles, foot-passengers or for lines of other companies, whether operated by steam, electricity or other motive power, and for general traffic purposes, and may construct, maintain and operate all necessary connections or approaches thereto, and works in connection therewith. The company may unite with, or enter into agreement with any other company, corporation or person for the construction, maintenance and operation of any such bridges, subways or tunnels as a joint work or for the joint working, control or management and use thereof.

Proviso.

The company shall not exercise the powers conferred upon it by this section, as to its subways and tunnels, except by complying with the requirements thereof.

Id.

The company shall not impose tolls on the said bridges for horses, vehicles and pedestrians.

23. The provisions of the law now in force as regards rail-ways in this Province and its amendments, except article 6488 of the Revised Statutes, 1909, shall apply to this company as regards its railway, except in the case of incompatibility or derogation, but shall not apply to the said company as regards the other powers which are hereby granted to it. Railway act to apply, &c.

24. The limitation as to the rate of interest contained in paragraph 16 of article 6474 of the Revised Statutes, 1909, is fixed at six per cent as a maximum rate. Rate of interest.

25. Nothing in this act contained shall be construed as giving to any municipality any powers which it has not under the laws which govern it, nor to any company any power which it has not under its charter. Proviso as to municipalities, &c.

26. The company shall not exercise any of the powers conferred upon it above, upon or below any part of the public streets, highways, lanes and squares of a municipality, or above or below municipal water courses before having obtained the consent of the council of the municipality having jurisdiction over such streets, highways, lanes, squares or watercourses, expressed by by-law passed by such council, without any other formality being necessary, and upon the terms and conditions to be agreed upon between the council and the company. Consent of municipalities required in certain cases.

In the event of the municipal council refusing or neglecting to give its consent, or in the event of the company and the council not agreeing upon the terms and conditions respecting the exercise of such power, the Quebec Public Utilities commission shall have jurisdiction to authorize or to refuse such exercise wholly or in part, or to prescribe the terms and conditions thereof, or to do both, subject, however, to the right of appeal from the decision of the said Commission given by law. Jurisdiction of Quebec Public Utilities Commission in certain case.

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