

C H A P . 8 2

An Act to incorporate the Montreal and Southwestern Railway and Power Company or *La Compagnie de Chemin de Fer Montréal et Sud Ouest*.

[Assented to 24th March, 1911]

Preamble.

WHEREAS, Victor Cusson, advocate ; Lucien Dansereau, accountant ; Aimé Geoffrion, advocate ; E. N. Cusson, manufacturer ; Raoul Gagné, accountant, all of the city of Montreal, have, by their petition, represented that the construction of a railway, with steam or electricity as motive power, as hereinafter described, would be advantageous to the region through which it would run, and whereas they have prayed for an act to incorporate them as a company authorized to construct and operate such railway, and for other purposes, 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 :

Persons incorporated.

1. Victor Cusson, Lucien Dansereau, Aimé Geoffrion, advocate, E. N. Cusson, manufacturer, Raoul Gagné, accountant and all other persons, corporations or municipalities that may become shareholders in the company hereby incorporated, are incorporated under the name of "*The Montreal and Southwestern Railway and Power Company or La Compagnie de Chemin de Fer Montréal et Sud Ouest.*"

Name.

Head office.

2. The head office of the company shall be in the city of Montreal.

Law governing.

3. 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.

Provisional directors, &c.

4. The persons mentioned in the preamble to this act shall be the board of provisional directors of the company, and three of them shall form a quorum.

First shareholders' meeting.

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

Subsequent meetings.

The subsequent annual meetings for the election of directors shall be held at the same place and on the same date, every year.

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

The quorum of every meeting of the board of directors shall be five.

7. Subject to the provisions of paragraph 6 of article 6474 of the Revised Statutes, 1909, the company is vested with all necessary powers for constructing and operating a railway or tramway, with steam, electricity or any other motive power for the conveyance of freight and passengers, running through all and every of the parishes of the counties of Laprairie, Beauharnois, Huntingdon and Chateauguay and through the towns of Beauharnois, Huntingdon and Salaberry de Valleyfield, starting from the parish of Caughnawaga at or near Adirondac junction on the line of the Canadian Pacific Railway, running towards the southwest along the St. Lawrence to the boundary line between the United States and Canada, on lake St. Francis; and a line starting from the said parish of Caughnawaga at or near Adirondac Junction on the New York Central Railway, running in a southerly direction through the parishes of St. Urbain and St. Clothilde to the village of Chrysostome in the county of Chateauguay; thence to Vicars, Maritana, St. Antoine Abbé, Franklin Centre, Rockburn, Herdman and Athelstan, and thence to Dundee, in the county of Huntingdon; provided however that the company, if it crosses the present feed canals of the Beauharnois Light Heat and Power Company and the Canadian Light and Power Company or those hereafter authorized, shall be obliged to make the bridges and other raised work necessary to cross the same, on a level with the bank of the said canals, and provided that it shall not cross the lands to be occupied by the factories and power houses of the said companies.

8. The company may erect the bridges required for its railway and branches over rivers and streams at such places as may be suitable and make such bridges fit for the passage of horses, vehicles and foot passengers. Nevertheless the company shall not impose tolls on the said bridges, and horses, vehicles and pedestrians shall pass thereover free of any due or charge whatsoever.

9. The company may acquire, lease, hold, develop and operate water-powers within a radius of 125 miles from the city of Montreal, but outside of the county of Beauharnois.

10. The capital stock of the company shall be two million dollars, divided into shares of one hundred dollars each,

on which the directors may call up instalments from time to time, but none of such instalments shall exceed ten per cent of the subscribed capital.

Arrange-
ments with
other com-
panies.

11. The company is authorized to enter into arrangements with any other railway company for the purpose of leasing, selling or transferring its railway, wholly or partly, or any interest it may have therein, or with any other company of the same kind, on such conditions as the company may deem suitable, provided it be operated in the manner herein prescribed, subject to the approval of the Lieutenant-Governor in Council.

Rights of
company on
streets, &c.

12. The company may, in the counties of Laprairie, Beauharnois, Huntingdon and Chateauguay and in the island of Montreal, have access to and establish, above and under the streets and highways, all pipes, lines, wires, conduits, poles and other appliances necessary for the distribution of electricity. All such works shall be done as quickly as possible and under the direction of the municipalities wherein they are situated, provided that the company shall be responsible for all damage it may cause and shall not establish such pipes, lines, wires, conduits, poles or other appliances without previously giving one month's notice to that effect to the municipal authorities.

Tariff of
rates.

13. The company may establish a tariff and collect the rates therein established for any supply of electricity, or any other source of heat or motive power which it may furnish.

Acquisition
of works, &c.,
of other com-
panies, &c.

14. It may acquire, lease and operate, the works, undertakings, property or rolling stock of all persons or companies doing or authorized to do any business in any part of the counties of Laprairie, Beauharnois, Huntingdon and Chateauguay connected with the purposes of the company hereby incorporated or with any or some of such purposes, and it may acquire and hold the shares or bonds of any company empowered to do the same kind of business subject to the provisions of article 743 of the Revised Statutes, 1909.

Acquisition,
&c., of other
corporations.

15. It may acquire and exercise the franchises and rights granted by the charter of any corporation whose business or undertaking it may acquire by lease or purchase subject to the provisions of article 743 of the Revised Statutes, 1909.

Amalgama-
tion, &c.

16. The company may amalgamate with any company whose shares or bonds it is authorized to take, on such terms as may be agreed upon between the two corporations, and

also with any other railway company whose line its own may cross or with which it may connect ; the whole subject to the provisions of article 743 of the Revised Statutes, 1909.

17. The directors may issue paid up and unassessable shares of the capital stock of the company in payment of the whole or of any of the moveable or immoveable properties, rights, powers, undertakings or franchises which the company may acquire under this act or in payment of materials supplied or services rendered, provided the directors are authorized to do so by-law approved by the majority of all the shareholders. Issue of paid up stock for property, &c.

18. The company may transfer to its nominees such shares as may be necessary to qualify them as directors of any other corporations whose shares it may hold. Transfer of qualifying shares.

19. Notwithstanding any provision or the absence of any provision authorizing it to do so, any municipality interested in the construction of the proposed railway may subscribe for shares in the capital stock or gratuitously give the company sums of money, either for the purpose of facilitating the preliminary works, or in aid of the construction of its railway, or give it lands, or grant it exemption from taxes, or other advantages, on such conditions as the council of such municipality may deem it expedient to impose. Subscription for shares by municipalities.

20. The company may purchase, take, lease or otherwise acquire any land, beach lot, wharf, dock, ship-yard, slips, landing-docks, warehouse, office, grain elevator and other buildings it may deem necessary and convenient for its purposes and carry on the business of warehouseman and wharfinger and exact wharfage dues. Purchase, &c., of lands, &c.

21. The company may, for the purposes of its railway and in connection with its business, build, purchase, lease or otherwise acquire, manage or control, at such points or places along its railway or any branch thereof, such buildings as it deems advisable for hotels and restaurants ; and purchase, lease and hold the land necessary for such purposes ; it may 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 act conferred upon the company, and enter into agreements with any such company respecting any of such buildings, lands, facilities or business. Building of hotels, &c.

Expropria-
tions.

22. For the exercise of the powers mentioned in section 8 of this act, and for the building of transmission lines for electricity, the company shall have powers of expropriation, and such expropriations shall be governed by the provisions of articles 7287 to 7294 both inclusive of the Revised Statutes, 1909.

Putting wires
underground
in Montreal.

23. As the city of Montreal shall build underground conduits, or parts thereof, in certain streets or parts of streets, or in public or private lanes, thoroughfares or other places, the company shall :

a. In that part of the city bounded as follows : to the southeast by the river St. Lawrence ; to the southwest by Inspector street ; to the northwest by St. Antoine and Craig streets ; to the northeast by Berri street tunnel ; and in St. Catherine street between Delorimier and Guy streets, and in St. Lawrence Boulevard between Craig street and Pine Avenue, remove such overhead wires and cables, poles and transmission lines, and replace them by transmission wires installed in the said underground conduits, the whole without indemnity if such conduits have been begun within four years from the coming into force of this act.

b. In every other part of the city, the company shall remove such overhead wires and cables, poles and transmission lines and replace them by transmission wires, installed in the said underground conduits, at the same time that the wires of all other companies, persons or corporations, carrying on an electric business in the city of Montreal, are put underground, but in such case in consideration of a previous indemnity and upon like terms and conditions to those imposed upon all other persons, companies or corporations. Nevertheless, no indemnity shall be paid for the said wires, overhead cables, poles and transmission lines placed or installed since at least two years.

Underground
railway.

24. The company, in addition to the powers conferred by its charter, may, for the purpose of reaching its terminus only, build an underground railway through the city of Montreal, and do any work necessary or useful for that purpose, the site of the said works to be fixed by the Quebec Public Utilities' Commission, which is hereby authorized to fix the same. The building of the underground railway authorized by this section shall be subject to the Quebec Railway Act. Nothing in this act shall be construed to authorize the company to do a freight or passenger business as an underground railway within the city of Montreal, nor, notwithstanding sections 12 and 14, to sell or distribute electricity to the public in the county of Beauharnois except to companies affiliated with this company.

Notwithstanding any general or special law to the contrary Consent of the said company shall not exercise in the city of Montreal, city to exercise of franchises mentioned in this section franchise in Montreal. without the previous consent of the said city. Such consent, if granted, shall be given by by-law, and such by-law shall contain all the conditions which the city may deem advisable to insert therein for the protection of its interests.

Articles 5917, 5918 and 5919 of the Revised Statutes 1909, R.S.Q., 5917-5919, not to apply. shall not apply to this act.

25. 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 water courses, expressed by by-law passed by such council, without any 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 so 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 powers, 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 cases.

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

CHAP. 83

An act to incorporate "The Richmond, Magog & Stanstead Railway Company"

[Assented to 24th March, 1911]

WHEREAS, the construction of a railway as hereinafter set forth would be of great benefit to that portion of the Province of Quebec through which it is intended to pass, as well as the neighborhood thereof, and the Province generally, and Preamble.

Whereas a petition has been presented by the persons hereinafter mentioned, praying for the passing of an act to incorporate a company for the purposes hereinafter described, and it is expedient to grant the prayer of the said petition.