

CHAP. 108

An Act to incorporate the L'Avenir and Melbourne Railway Company

[Assented to 25th April, 1908]

WHEREAS Benjamin E. Reed, farmer and Gordon E. Bogie farmer, both of the township of Durham, in the district of Arthabaska, Joseph Laferté, M.L.A., of the township of Grantham in said district and Peter S. G. Mackenzie, K.C., M.L.A., of the township of Melbourne in the district of St. Francis, have presented a petition praying that they and such persons, firms or corporations who may hereafter become shareholders therein, be constituted a corporation for the purpose of building and operating a railway as hereinafter mentioned, and that the building and operating of such railway will greatly benefit the Province and more particularly the places through which the same will pass ;

Whereas it is expedient to grant the prayer of 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. Benjamin E. Reed, farmer; George E. Bogie, farmer, both of the township of Durham, in the district of Arthabaska; Joseph Laferté, M.L.A., of the township of Grantham in said district and Peter S. G. Mackenzie, K.C., M.L.A. of the township of Melbourne in the district of St. Francis and all persons, firms or corporations who may hereafter become shareholders therein, are constituted a corporation under the name of *The L'Avenir and Melbourne Railway Company*.

2. The company may lay out, construct and operate a railway or tramway of the gauge of four feet eight and one-half inches, from a point in the town of Richmond or village of Melbourne, in the district of St. Francis, and following the banks of the river St. Francis on either side of the said river to the town of Drummondville, in the district of Arthabaska, with the right to build bridges wherever necessary across the said river for the purposes of the railway ; and may build branch lines necessary to facilitate the working of its main line, from any point or points of said railway or tramway to a distance not exceeding twenty-five miles.

3. The railway shall be operated by means of trains as on steam lines, on of separate cars, as on tramways; and the traction shall be effected by electricity, steam, gasoline or

in any other manner that may seem most advantageous to the company.

Traffic.

Passengers and freight traffic may be carried by the same trains or by separate trains.

New inventions, &c.

The company may take advantage of every new invention or new method of operation in connection with railway transportation.

Capital.

4. The capital stock of the company shall be three hundred thousand dollars divided into three thousand shares of one hundred dollars each.

Increase thereof.

It may be increased, from time to time, to an amount not exceeding one million dollars, upon a vote of the majority in value of the shareholders present in person or represented by proxy at a special general meeting duly called for the purpose.

Provisional directors.

5. The persons named in section 1 of this act are constituted provisional directors of the company.

Their term of office.

6. These directors shall remain in office until the election of directors to be held under this act.

Their powers.

7. They have power, immediately after the sanction of this act, to fill vacancies occurring on the board, to open stock books and to obtain subscriptions to the capital stock of the company.

Head office.

8. The head office of the company shall be in the village of L'Avenir in the district of Arthabaska, or at such other place as the company shall from time to time determine by by-law.

General shareholders' meeting.

9. The annual general meeting of the shareholders shall take place on the second Tuesday of September, beginning in the year 1909, at the head office of the company.

Election of directors. First shareholders' meeting.

The board of directors shall be elected at such meeting.

The first meeting for the election of directors and for the organization of the company shall be held at the village of L'Avenir, at such time as is specified by the provisional directors.

Notices of above meetings.

Such meetings and special meetings shall be convened by means of a notice, sent by registered letter addressed to each shareholder, as set forth in the company's stock book, and forwarded by mail at least eight days before the meeting.

Notices of meetings.

10. All notices of general or special meetings of the shareholders of the company shall be in writing, specifying the date, hour, place and object of the meeting, which notices shall be signed by the secretary or by one of the provisional direc-

tors, as the case may be, and sent by registered letter to the last address given by each shareholder of the company, at least eight days before the meeting.

The second sub-paragraph of paragraph 3 of article 5134 ^{R.S.Q., par. 3, sub-par. 2,} of the Revised Statutes shall not apply to the company. ^{not to apply.}

11. The board of directors shall consist of five members ^{Directors.} but the number may be increased to nine upon the adoption of a by-law to that effect, and a majority shall form a quorum. ^{Quorum.}

12. The directors may make calls upon the shareholders ^{Calls.} for such instalments as they may deem expedient.

However, no instalment called for shall exceed ten per cent ^{Instalments} of the capital subscribed, and such instalment cannot be ^{of calls li-} exacted unless a notice has been sent by mail to each share- ^{imited, &c.} holder, at least one month before the same is payable.

13. The company has power to construct the bridges re- ^{Bridges, &c.} quired for its railway, over the river St. Francis, at such points as it may deem expedient, and to make such bridges suitable for the passage of horses, vehicles and foot passengers.

In the event of any of such bridges being opened to the ^{Tolls.} public as a toll bridge, the tariff of tolls shall be fixed by the Lieutenant-Governor in Council.

14. The company is further authorized to construct and ^{Telegraph} work any telegraph and telephone lines required for the work- ^{and tele-} ing of the said railway. ^{phone lines.}

15. The company may acquire or lease and operate water ^{Acquisition,} powers along the line of its railway, or in the vicinity thereof, ^{&c., of water-} and construct, maintain and improve dykes, piers and flumes ^{powers.} and all other works required for the development of such water powers as well as for producing electricity or other power.

It may also procure, by lease or otherwise, from any com- ^{Leasing of} pany or person, the electricity required for its railway. ^{electricity.}

16. The company may amalgamate with any other rail- ^{Amalgama-} way company whose line it may cross or join. ^{tion.}

17. It is authorized to enter into agreements with other ^{Agreements} railway companies : ^{with other}

1. For the passage of its cars and running of its trains over ^{Running} any line of railway which its own line may cross or may join ; ^{rights, &c.} as well as for the running of the trains of any other railway company over its own line ;

2. For acquiring branch lines ;

^{branch lines.}

Facilitating
connections.

3. For facilitating connections between its railway and any other ;

Acquiring
privileges.

4. For acquiring the property, rights and privileges of other railway companies.

Leasing, &c.,
road to other
companies.

18. The company is further authorized to make arrangements with any other railway company for the purpose of leasing, selling or transferring the whole of its road or the whole of its interests in such road, or in any part thereof which may be built, on such conditions as the directors may deem expedient.

Certain mu-
nicipalities
may vote
bonuses, &c.

19. Rural, village, or county municipalities interested in the construction of the railway, its branches and extensions, may, on complying with the requirements of the law in that behalf, vote bonuses in favor of the company, and subscribe for the company's shares.

Aid from
Government,
&c

20. The company may receive as aid towards the construction of its railway, either from the Government or from any individual, company, or municipal or other corporation in Canada or elsewhere, all lands or vacant lots situate in the vicinity of its railway or elsewhere, all moveable or immoveable property, exemptions from taxation, and all sums of money, either as a gift or bonus or in payment for capital subscribed ; and may sell such property and alienate or otherwise dispose of the same for the benefit of the company.

Directors
appointed by
certain mu-
nicipalities,
&c.

21. The council of every municipality which shall have granted a bonus or subsidy to the company in aid of the construction of its railway or branches, to the amount of at least ten thousand dollars, shall have the right to appoint a person as director of the said company, but only during the continuance of the work of construction of the railway in such municipality, and such person shall be a director in addition to the directors appointed by this act ; but such municipality shall not incur any liability by the appointment of such director.

Appointment
of director
by share-
holder mu-
nicipalities.

Every municipality holding shares of the subscribed stock of the company for an amount of not less than twenty-five thousand dollars, shall have the right to appoint annually a person as director of the said company, in addition to the directors appointed under this act.; but one and the same municipality cannot appoint two directors under this section.

Issue of paid
up stock in
certain cases.

22. The directors may issue, as paid up stock, shares of the company whether subscribed for or not, and may allot and hand over such stock as paid up stock, and the mortgage bonds of the company, in payment of right of way, plant,

rolling stock or materials of any kind, and also for the services of contractors or employees, and may also allot and hand over such shares and mortgage bonds to the creditors of the company, whether such creditors are or are not directors or shareholders of the company, in payment of any indebtedness of the company.

Such issue and allotment of bonds and stock shall be binding on the company and such stock shall not be assessable for calls. Such stock not assessable, &c.

23. The provisions now in force of the law regarding railways in this Province, and its amendments, except paragraph 16 of article 5134 of the Revised Statutes, shall apply to this company as regards its railway, except in cases of incompatibility or derogation, but shall not apply to the said company as regards the other powers hereby conferred upon it. General railway act to apply in certain cases, &c.

24. The limitation as to the rate of interest contained in paragraph 11 of article 5132 of the Revised Statutes, shall not apply to the company. Certain limitation as to interest not to apply.

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

CHAP. 109

An Act respecting the Magdalen River Valley Railway Company

[Assented to 25th April, 1908]

WHEREAS the Magdalen River Valley Railway Company, incorporated by the act 7 Edward VII, chapter 90, has by its petition, prayed for authority to deviate the location of its line of railway and for certain amendments to its charter; and whereas it is expedient to grant its 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 4 of the act 7 Edward VII, chapter 90, is replaced by the following : 7 Ed. VII, c. 90, s. 4, replaced.

“ 4. The company may lay out, construct and operate a railway of the standard gauge of four feet eight and one half inches, starting from a point on the lot upon which the Catholic Church is situate in the Seigniory of the Magdalen River in the county of Gaspé, and passing southerly over lots owned Company may construct, &c., railway. Route.