

## CHAP. 89

## An Act respecting the Gaspesian Railway Company

[Assented to 14th March, 1907]

## Preamble.

**W**HEREAS Joseph Xenophon Lavoie, prothonotary of the Superior Court, of Percé, in the Province of Quebec; William Moffatt, gentleman; Alfred William Carpenter, banker; Edward Bruce Read, gentleman, and Joseph Mellows, manufacturer, all of London, in England, have presented a petition praying that a company be incorporated for the purpose of locating, constructing and operating a railway and for other purposes as hereinafter described, and representing that such railway is absolutely necessary to efficiently serve the population of Gaspesia and accommodate the traffic of the Province of Quebec and also the important traffic passing between the western provinces of Canada and Europe via the Port of Gaspé;

Whereas without the construction of this railway the immense possibilities of the Port of Gaspé cannot be developed;

Whereas the Port of Gaspé is the only port in the Province practically open during the winter months;

Whereas its development would be a source of great benefit to all the rest of this Province;

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.** The said Joseph Xenophon Lavoie, William Moffatt, Alfred William Carpenter, Edward Bruce Read and Joseph Mellows, together with all such other persons, firms or corporations as may hereafter become shareholders in the company, are hereby constituted a body corporate and politic under the name of "The Gaspesian Railway Company," hereinafter called the company.

## Name.

## Provisional directors.

**2.** The persons mentioned in section 1 of this act shall be the provisional directors of the company.

## Head office.

**3.** The head office of the company shall be at Gaspé Basin, in the county of Gaspé, or at such other place in the said Province of Quebec as the company by by-law shall determine.

## Gauge of railway.

**4.** The company may lay out, construct and operate a railway of the standard gauge of four feet eight and one-half inches as follows:

Commencing at or near Paspebiac; thence through the county of Bonaventure, not further north than Casapséal or further south than Cross Point; proceeding thence to the boundary of the Province of Quebec, in the direction of Edmundston or Grand Falls, or to the boundary of the Province of Quebec in a direction between these two places, or to the boundary of the Province of Quebec in the direction of the St. John River, in the Province of New Brunswick.

The said railway shall be commenced before the year 1909 and shall be completed and put into operation before the year 1912. It is expressly stipulated, however, that the company shall not have any stations or stopping places for the purposes of traffic or passengers, or for any purpose whatsoever, other than the taking of coal and water between Metapedia and New Carlisle.

The section extending from Metapedia to Edmundston, or to Grand Falls, or to St. John river, in the Province of New Brunswick must be constructed and in operation before the company shall be allowed to run its trains between Metapedia and New Carlisle, but even after the section from Metapedia to Edmundston or to Grand Falls or to the St. John river in the Province of New Brunswick, is constructed and in operation, the company shall not have the power to stop its trains between Metapedia and New Carlisle except for the taking of coal and water.

**5.** The motive power of the railway may be steam, electricity or any other motive power.

**6.** 1. The company may construct and operate telegraph and telephone lines upon and along the whole length of its railway and branches, and establish offices for the transmission of messages for the public and collect tolls for so doing; and, for the purpose of operating such telegraph and telephone lines, the company may enter into a contract with any other company or may lease the company's lines or any part thereof, and may connect its lines with the lines of any telegraph or telephone company.

2. The company may enter into agreements with any telegraph or telephone company or companies for the exchange and transmission of messages, or for the working in whole or in part of the lines of the company.

3. 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

Capital stock. **7.** The capital stock of the company shall be one million dollars, divided into ten thousand shares of one hundred dollars each, and may be called up by the directors from time to time as they deem necessary, with the delay mentioned in article 5135 of the Revised Statutes.

Shareholders' annual meeting. **8.** The annual meeting of the shareholders shall be held in such place in the Province of Quebec, on such date, not later than the 30th September, as shall be fixed by the directors.

Election of directors. **9.** At such meeting, the subscribers for the capital stock assembled who have paid all calls due on the shares, shall choose not less than three nor more than seven persons, as may be fixed by resolution of the company, to be directors of the company, one or more of whom may be paid directors.

Bonds, &c. **10.** The company may issue bonds, debentures or other securities to the extent of forty-five thousand dollars per mile of the railway, and such bonds, debentures or other securities may be issued only in proportion to the length of the railway constructed or under contract to be constructed, and shall be secured by mortgage upon the railway and all property incident thereto.

Security therefor.

Sale to Atlantic, Quebec and Western Ry. Co., if approved by shareholders. **11.** The company may sell, dispose of, transfer or lease its railway and all its franchises and property, to the Atlantic, Quebec and Western Railway Company, either before or during the construction of its railway, or after its completion, provided that all agreements entered into between the companies for such sale or transfer or lease of the railway hereby authorized, have been first sanctioned by two-thirds of the votes of the shareholders of the company at a special meeting called for the purpose of considering the same, at which meeting shareholders representing at least two-thirds of the subscribed stock are present or are represented by proxy.

Building, purchase, &c., of vessels, &c. **12.** 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 within the limits of the Province, as is found expedient; and may enter into agreements with owners of such vessels for any of such purposes; and may purchase grain and other freight for cargo, and sell or otherwise dispose thereof, and of such vessels; and may generally carry on the business of shipowners and carriers by water in connection with its undertaking; and may take and hold, either in the

Company may carry on business

name of the company, or in the name of some person as of ship-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. of ship-owners, &c.

**13.** The company may in the operation of its ship business: Powers in operation of ship business.

(a) Charge on all property placed with it, or in its custody, such fair remuneration as may be fixed by the directors, for storage, warehousing, wharfage, dockage, cooperage, or any other care or labour in or about any such property on the part of the company over and above the regular freight and primage upon any such property carried, or contracted to be, or intended to be, carried by it; Storage charges, &c.

(b) Recover all charges and moneys paid or assumed by the company subject to which goods come into its possession, and, without any formal transfer, shall have the same lien for the amount thereof upon such goods as the persons to whom such charges were originally due had upon such goods while in their possession, and the company shall be subrogated by such payment to the rights and remedies of such persons for such charges; Recovery of advances, &c.

(c) On non-payment of freight advances and other charges due upon goods or property in the possession or under the control of the company, sell by public auction the goods whereupon such advances and other charges have been made, and retain the proceeds, or so much thereof as is due to the company, together with the costs and expenses incurred in and about such sale, and shall return the surplus (if any) to the owner of such goods or property; but before any such sale takes place thirty day's notice of the time and place thereof and of the amount of the charges or moneys payable to the company in respect of such goods or property shall be given by registered letter, transmitted through the post office to the last known address of the owner of any such goods or property, except in the case of perishable goods or effects which may be sold after the expiration of one week, or sooner, if necessary, unless otherwise provided in the contract between the parties. Sale by auction of property for non-payment of sums due.

**14.** The company may, for the purposes of its railway or the railways by it leased or acquired, and in their vicinity, as well as in the vicinity of any lands it may be granted as subsidies: Powers for railway purposes.

(a) Acquire lands, water-courses and water-powers and erect, make use of and administer shops and works, manufacture machines and machinery for producing, transmitting and distributing electric and any other motive power or for other purposes; Acquisition of lands, &c.

- Building, &c., of works, &c. (b) Build and maintain works and stations for developing electric power, and acquire or lease works and stations from any other electric company :
- Acquisition of patents, &c. (c) Acquire exclusive rights in patents of invention, franchises or patent rights for the purpose of the works and undertakings of the company, and dispose of such rights :
- Sale of surplus power, &c. (d) Sell or lease any surplus power it may produce or acquire, either water or other power, by converting it into electricity or other power, for the distribution of light, heat or motive power or for any purposes to which electricity or any other power may be applied, with the right to transmit such power ;
- Building of works, &c. (e) Build, acquire, maintain, operate and dispose of factories, mills, water-work and works for manufacturing purposes ;
- Acquisition, &c., of mines, &c. (f) Acquire, develop, work and dispose of mines, minerals, mining rights, timber, timber lands and colonization lands, and to crush, smelt, reduce, amalgamate or otherwise treat and dispose of the ores and products of any such mines, or engage in general mining and lumbering operations, or in the manufacture and sale of the products thereof, or settle, cultivate or colonize such lands :
- Building, &c., of tramways, &c. (g) Build, acquire, maintain, and use tramways, basins, docks, jetties, wharves, sheds, viaducts, aqueducts, mill-races and dams, ditches, water-courses, mills, grain elevators, warehouses or other buildings and works along its line or at its termini, as may be deemed necessary by the directors.

Agreements with and loans to settlers, &c.

**15.** The company, for the purpose of promoting the settlement and cultivation of any lands served by its railway, or acquired by the company, or granted to the company as subsidies, may enter into agreements with actual or intending settlers, and for this purpose may aid such settlers by making advances secured upon such lands or otherwise, and may construct and operate, or aid in, or subscribe towards the construction, maintenance and improvement of roads, viaducts, aqueducts, ditches, flumes, saw and grist-mills and other similar works.

Railway Act to apply in certain cases.

**16.** The provisions of the law now in force, as regards railways in the 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 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.

**17.** The limitation respecting rates of interest in paragraph 11 of article 5132 of the Revised Statutes, shall not apply to the company. R. S. Q., 5132, par. 11, not to apply.

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

## CH A P. 90

### An act respecting the Magdalen River Valley Railway Company

[Assented to 14th March, 1907]

**W**HEREAS Charles W. Mullen, engineer; Samuel H. Boardman, lumber merchant, both of Bangor, in the state of Maine, one of the United States of America; C. D. Laning, advocate, of Boston, in the state of Massachusetts, one of the said United States; Joseph O. Drouin and Evariste Brassard, both advocates, of the city and district of Montreal, have presented a petition praying that a company be incorporated for the purpose of locating, constructing and operating a railway and for other purposes as hereinafter described;

Whereas the development of the said railway would be a source of great benefit to the county of Gaspé and to all the rest of this Province;

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.** The said Charles W. Mullen, Samuel H. Boardman, C. D. Laning, Joseph O. Drouin, and Evariste Brassard, together with all such other persons, firms and corporations as may hereafter become shareholders in the company, are hereby constituted a body corporate and politic under the name of "The Magdalen River Valley Railway Company" herein-after called "the company." Persons incorporated.

**2.** The persons mentioned in section 1 of this act shall be the provisional directors of the company, with two other residents of this Province. Provisional directors.

**3.** The head office of the company shall be in the city of Quebec, or at such other place in the said Province of Quebec, as the company by by-law shall determine. Head office.