

C H A P . 74

An Act to incorporate the Saguenay and James Bay
Railway Company

[Assented to 2nd June, 1904]

WHEREAS the persons hereinafter mentioned have pre-^{Preamble.}
sented a petition representing that the construction of
a railway, as hereinafter set forth, would be of advantage to
the region through which it would run and to its local trade,
to colonization and to industries, and have prayed for the
incorporation of a company with the object of building and
operating a railway as hereinafter set forth, and of utilizing
the numerous water-powers along the line of the said rail-
way ; and whereas it is expedient to grant the prayer of the
said petition ;

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

1. The Reverend Héraclius Lavoie, parish priest ; François^{Persons incor-}
Gagné, Henri Gagné, A. Elie Gagné, merchants, Louis^{porated.}
Collard and Gédéon Verreault, farmers, all of the parish of
Saint-Joseph d'Alma ; Jean Trancé Armand, merchant, of
Toronto ; David Jobin, merchant, of the parish of St. Cœur
de Marie ; the Reverend J. Almas LaRouche, parish priest,
Pitre Gaudreault, merchant, of the parish of Saint Bruno ;
Napoléon Michaud, notary, and Auguste Rémi Hudon,
merchant, of the village of Hébertville Station ; J. Simon
Michaud, commission merchant, of Hébertville ; the Rev.
M. P. Hudon, parish priest, Domicile Têtu, trader, of the
parish of St. Félicien ; Joseph Girard, member of Parlia-
ment, of the parish of St. Gédéon, Onézime Côté, trader,
Wilfrid Côté, farmer and mayor of Bagotville ; Didyme
Bouchard, burgess and farmer, warden of the county of
Chicoutimi and mayor of St. Alphonse ; Georges Tanguay,
member of the Legislative Assembly of Quebec, of the city of
Quebec, and Louis Napoléon Michaud, physician and surgeon,
of the village of Hébertville Station, and all persons who
may be associated with them, are by the present act incor-
porated under the name of the "Saguenay and James Bay^{Name.}
Railway Company," hereinafter called "the company."

2. The persons mentioned in section 1 shall be the pro-^{Provisional}
visional directors of the company.^{directors.}

3. The capital stock of the company shall be one million^{Capital stock.}
dollars, divided into twenty thousand shares of fifty dollars^{Shares.}

- Calls. each, and shall be subject to calls of instalments by the directors, from time to time, as they may deem advisable, but no instalment shall exceed ten per cent. of the capital subscribed.
- Head office. **4.** The head office of the company shall be in the village of Hébertville Station, county of Lake St. John.
- Change thereof. The company shall have the right to change its head office and to establish other local offices in this province.
- Annual meeting when to be held. **5.** The annual meeting of the shareholders shall be held on the first Tuesday of September in each year.
- Election of directors. **6.** At such meeting, the subscribers to the capital stock, in meeting assembled, and who have paid all calls due on their shares, shall choose five persons to be directors of the company, one or more of whom may be paid directors; but no one can be a director unless he holds at least ten shares.
- Paid directors. Qualification of directors.
- When company may commence to build railway. **7.** As soon as the sum of twenty thousand dollars of its capital shall have been paid in, the company may lay out, construct, and operate a railway of the width of four feet eight and a half inches, starting from a point in the village of Hébertville, in the county of Lake St. John, running in a northerly direction to St. Joseph d'Alma, and thence towards the north-west, passing by Peribonca Falls, to the west and south-west of lake St. John, to or near the village of Mistassini, to some point on the James Bay Railway, and thence in an easterly direction to Roberval, thus forming a loop-line around lake St. John; together with a branch from Hébertville village or station, in an easterly direction to Ha! Ha! Bay, on the river Saguenay, with a winter terminus at Baie Ste. Catherine, on the St. Lawrence, via St. Cyriac.
- Commencement and completion of works. The work of construction shall be commenced within three years and completed within ten years from the sanction of this act; otherwise the powers hereby granted shall lapse as regards the portion not commenced or not completed as above stated.
- Where to be commenced. Such works shall be begun and continued simultaneously at Ha! Ha! Bay, at Hébertville in a northerly direction, and at Roberval.
- Issue of bonds, &c. **8.** The company may issue bonds, debentures and other securities to the amount of twenty-five thousand dollars per mile of the railway and of its branches.
- Power to transfer and lease road, &c. **9.** The company may enter into agreements with any other railway company for the purpose of transferring or leasing to such company the whole or any part of the railway of

the company or of the rights and powers acquired under the present act, as well as the franchises, profiles, plans, works, plant, material, machinery and other property belonging to it, or with the object of amalgamating with such company on such terms and conditions as may be agreed upon, and subject to such restrictions as the directors may deem expedient.

10. The company is authorized to enter into arrangements with other railway companies : Power to enter into certain arrangements with other railway companies.

- (a) For the running of its cars and trains on any line of railway which its own line may cross or with which it may connect, as well as for the running on its own line of the trains of any other railway company ;
- (b) For facilitating connections between its road and any other railway ;
- (c) For acquiring the property, powers, rights, franchises and privileges, as well as the rolling stock of other railway companies, and for leasing any other railway, in whole or in part.

11. The company may, concurrently with its operations and for the needs of its undertaking, acquire, otherwise than by expropriation, and possess water-falls and the adjacent property necessary for the development, operation and use thereof, as well as the approaches thereto, and may erect buildings and structures, and build the works, machinery and plant necessary for the production and transmission of electricity to be used as motive power or for heat and light, and may use electricity in the operation of its elevators and of its works, and dispose of the surplus electricity produced in the company's works and not required for its own undertaking ; the whole in the following places and localities, with the consent of the interested municipalities, and provided that the company shall be responsible for all damages which it may cause : on the Grand and Little Discharges of lake St. John, in the township of Signai, in the parish of St. Joseph d'Alma, on the river Mistook, in the parish of Saint Cœur de Marie, in the township of Delisle, on the Little and Big Péribonca, in the townships of d'Alma and Taillon, on the rivers Mistassibi and Mistassini and on the river Aux Rats, in the parish of St. Michel de Mistassini, in the townships of Pelletier and Dolbeau, on the river Wassienska in the township of Girard, and on the river Ashuapmouchouan in the parish of Saint Félicien, in the township of Ashuapmouchouan, in the county of Lake St. John, in the parish of Saint Cyriac, and Jonquière, Chicoutimi and Bassin, in the Power to acquire, &c., water-powers, &c., and build power houses, &c., in certain places.

parish of Notre-Dame de Laterrière, (Grand Brulé), township of Laterrière, à Mars, and Ha ! Ha ! in the parish of St. Alphonse and St. Alexis, and the Saint John and Little Saguenay rivers in the parish of l'Anse St. Jean, in the county of Chicoutimi.

Law applicable to company.

12. The Telegraph Companies Act in so far as applicable to telephone companies, shall apply to the telephone operations of the company.

Issue of paid up shares for certain purposes.

13. The directors of the company are authorized to issue, as paid up stock, shares in the capital stock of the company which it may give and allot as paid up shares in payment of right of way, plant, rolling stock and materials of all kinds and for the services of contractors and engineers of the company, and such allotment of shares shall be binding upon the company, and the paid up shares so allotted shall not be subject to any future calls.

Form of deeds of land.

14. All deeds of transfer of lands to the company for the purposes mentioned in this act may be executed under private seal according to the form of schedule A annexed to this act or any other form of like tenure.

Certain special provisions respecting subsidies in certain event.

Proviso.

15. 1. This act shall not have the effect of taking from the Trans-Canada Railway Company, or the Quebec and Lake St. John Railway Company their right to build the line from Roberval to James Bay and from Jonquière to Ha ! Ha ! Bay, and which ever of the two companies builds these lines shall have a right to the subsidies voted therefor, provided, however, that such company begins and continues to build the said lines simultaneously.

Certain obligation to be cancelled in certain cases.

As soon as a railway shall have been built by any company from Jonquière or from any point between Jonquière and Chicoutimi to Ha ! Ha ! Bay, the obligation of the Quebec and Lake St. John Railway Company to construct such line shall cease, and the security furnished by the said company for such construction, in virtue of the act 55-56 Victoria, chapter 66, shall be returned to it.

Transfer of certain line to certain companies.

2. If the said line is built by the Saguenay and James Bay Railway Company, the Trans-Canada Railway Company, or the Quebec and Lake St. John Railway Company, shall have the right, at any time, to acquire the same by reimbursing the cost thereof less the subsidies with interest at four per cent.

Transfer to other companies not to be effected before certain time.

3. The Saguenay and James Bay Railway Company shall not have the right to transfer its charter concerning this portion of its line to any person or any other company, except the Trans-Canada Railway Company or the Quebec

and Lake St. John Railway Company, before the expiration of five years after such portion of the line shall have been completed.

16. This act shall come into force on the day of its sanc- Coming into
force.
tion.

SCHEDULE A.

FORM OF CONTRACT OF SALE OF PROPERTY

KNOW all men by these presents that I.....
of the..... in the county of.....,
for and in consideration of the sum of.....
dollars paid to me by the Saguenay and James Bay Rail-
way Company, sell and transfer to the said company all that
piece of land known and designated as follows, to wit :

which has been chosen and designated by the said company
for its railway, to have and to hold the said lands unto the
said company, its successors and assigns for ever.

Witness my hand and seal, at..... this
day of.....
one thousand nine hundred and

Signed and sealed in the } A. B [L. S.]
presence of

C. D.

E. F.