



63 VICTORIA

CHAP. 69

An Act to incorporate the St. Hyacinthe Electric Railway Company

[Assented to 23rd March, 1900]

WHEREAS Michel Esdras Bernier, notary, of the parish of St. Hyacinthe, Thomas E. Fee, trader, and John P. Morin, accountant, of the city of St. Hyacinthe, have presented a petition praying that a company be incorporated for the purpose of laying out, constructing and running a railway as hereinafter described ;

Whereas the construction of such railway would be of great advantage to that section of the Province through which it would run, and whereas it is expedient to grant such prayer ;

Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

1. The said Michel Esdras Bernier, Thomas E. Fee, John P. Morin and all other persons, partnerships and corporations who shall hereafter become members of the said company are hereby incorporated under the name of " The St. Hyacinthe Electric Railway Company."

2. The principal place of business and the terminus of the company shall be in the city of St. Hyacinthe, in the district of St. Hyacinthe.

3. The capital stock of the company shall be one hundred thousand dollars, divided into shares of one hundred dollars each ;

Increase thereof.

each ; but it may be increased, from time to time, to the amount of five hundred thousand dollars, by a vote of the majority in value of the shareholders present or represented by proxy at any meeting convened for the purpose, according to the provisions of the joint stock companies' general clauses' act.

Power to lay out certain railway.

4. The company is vested with all the privileges, powers and authority necessary for laying out, building and running a railway through the counties of St. Hyacinthe, Bagot and Shefford, in the limits of the city of St. Hyacinthe, and through the said city of St. Hyacinthe and the parishes of St. Hyacinthe, St. Thomas d'Aquin, la Présentation, St. Denis and St. Charles, the municipalities of St. Joseph, St. Hyacinthe le Confesseur, in the county of St. Hyacinthe, the parish of St. Dominique in the county of Bagot ; St. Valerien de Milton and Roxton Falls in the county of Shefford, with branches within the limits of the city of St. Hyacinthe, to connect the said railway with the Grand Trunk, United Counties and Intercolonial railways, and with the Montreal and Atlantic railway in the municipality of

Motive power to be used.

St. Joseph ; such railway to be run by electricity, compressed air, animal power or by any other motive power ; with authority, moreover, to establish workshops for producing electricity or any other motive power ; to erect, place and maintain the necessary posts and wires for the transmission of the electric power upon the line of railway ; to erect, place and maintain the necessary poles and wires for the transmission of electrical power ; to acquire exclusive rights in any franchises whatsoever from any municipal corporation whatsoever ; to acquire all lands, rights, bonuses or aid, and to erect and maintain bridges over the Black and Yamaska and other rivers, together with all other privileges connected therewith.

Power to erect workshops, &c. ;

To erect poles, &c. ;

To acquire franchises, &c. ;

Lands, &c. ;

To erect bridges, &c.

Councils, &c., to indicate places, for railway, &c.

In cities and incorporated towns, the municipal council shall determine the streets and other places in which the said railway shall be laid and where the posts and wires shall be placed.

If bridge built over Yamaska, vehicles and foot passenger not to be allowed to cross under certain penalty.

In the event of the company building over the Yamaska river at St. Hyacinthe one or more bridges within the limits of the charter granted, in 1817, to Jean Marie Langlois dit Germain, his successors and assigns, by the act 57 George III, chapter 37, such bridge or bridges shall be so built as to prevent vehicles or foot passengers from crossing thereon, under penalty of paying to the proprietor of the bridge or bridges within the limits specified in the said charter all damages occasioned by the passing of vehicles or foot passengers over the said bridge or bridges.

5. It shall be lawful for the company to receive, as aid in the construction of its railway, and for all the other purposes for which it is incorporated, any vacant lands, and any moveable and immoveable property, and any sums of money, either as gifts, or by way of bonus, or in payment of stock; and it may legally dispose of, alienate and hypothecate such lands and other moveable and immoveable property for the purposes of the company, on the authority of a majority of the directors.

Company may receive aid, &c.

6. The company shall have all the rights and privileges conferred by the general railway law of this Province, which shall be considered as forming part of this act, except as regards such provisions as may be inconsistent with the present act.

Powers under general railway law.

7. The said Michel Esdras Bernier, Thomas E. Fee and John P. Morin shall be the first directors of the company, and they shall remain in office until other directors are elected by the shareholders, in accordance with the provisions of this act.

Provisional directors and term of office.

Such directors shall have power to open stock books and call up instalments on the stock subscribed, to issue bonds or debentures, to become parties to promissory notes and bills of exchange, to commence and continue the construction and working of the said railway, and to fill vacancies occurring on the board of directors.

Power of provisional directors.

8. The general meeting of the shareholders, for the election of directors, shall be held each year, on the second Tuesday of December, at the place and hour mentioned in the notice convening such meeting, which shall be inserted in a newspaper published in the French language, and a newspaper published in the English language, in the city or district of St. Hyacinthe, during the two weeks preceding the day of the meeting, or in any such other manner as may be determined by the by-laws.

Annual general meeting of shareholders and notice therefor.

Notice of other meetings of the shareholders shall be given in the manner prescribed by the by-laws of the company.

Notice of other meetings.

9. The board of directors shall consist of three members, but such number may be increased to five by by-law.

Board of management.

No one shall be elected a director, unless he is a shareholder holding ten shares in his own name in the capital stock of the company, and unless he has paid all calls due thereon.

Qualification of directors.

Quorum.

10. The majority of the directors shall form a quorum for the transaction of business.

President,
&c.

The directors shall elect one of their number as president and another as vice-president.

Managing
director, &c.,
and salary.

They may also employ one of their number as managing director, and one as secretary, who may receive such salary as may be determined by the board of directors.

Companies
that may sub-
scribe to
shares, &c.

11. All manufacturing or other companies carrying on business in the Province of Quebec or elsewhere, even outside of the Dominion of Canada, all business firms, and all municipal corporations may subscribe to the capital stock, and acquire and hold any number of shares of the said company and dispose of the same as they may think proper.

Issue of mort-
gage bonds.

12. The directors of the company may issue mortgage bonds under the seal of the company, signed by the president or vice-president and countersigned by the secretary, payable in such manner, at such places in Canada or elsewhere, and at such rate of interest as the directors may deem expedient; they shall have power to issue, sell or pledge the whole or a certain number of the said bonds, on such prices, terms and conditions as they may deem expedient, and even sell the said railway and its accessories to trustees for the purpose of raising the money necessary for carrying on the undertaking or running the said road; provided the amount of the said bonds so issued does not exceed twenty thousand dollars per mile.

Proviso.

Bonds to be
privileged &
against prop-
erty, &c.

13. The mortgage bonds authorized by this act to be issued shall, without registration or formal transfer, be received and considered as a first claim and privileged debt against the company, its undertakings, tolls and revenues, and the moveables and immoveables which it now possesses or may hereafter acquire; and every holder of such bonds shall be deemed an hypothecary creditor as to such security *pro rata* with all the other bondholders.

Bonds how
payable and
transferred.

14. All bonds, debentures, hypothecs and other securities authorized by law, and their coupons and certificates of interest due, may respectively be made payable to bearer; and in such case they shall be transferable by simple delivery, and the holder may sue for the recovery thereof in his own name.

Power to be-
come party to
notes, &c.

15. The company shall have power to become party to promissory notes and bills of exchange.

Any such promissory note or bill of exchange, made, drawn, accepted or endorsed by the president, the vice-president or any other officer thereunto authorized by the by-laws of the company, and countersigned by the secretary, shall be binding on the company, provided that the seal of the company be affixed thereto.

When notes &c., binding on company.

16. The company may amalgamate with any other railway company whose line may be crossed by the railway of the company or its branches, or with which the latter may connect or unite.

Amalgamation with other companies.

17. The company is authorized to enter into agreements with other railway companies, or with trustees of railway companies :

Power to enter into certain agreements with other railway companies, &c.

1. For the running of its cars and the circulating of its trains over the whole line of any railway which its own line may cross or with which it may connect, as well as for the running over its lines of the trains of any other railway ;
2. For acquiring branches ;
3. For facilitating connections between its road and any other railway ;
4. For acquiring the ownership, rights, franchises, and rolling stock of other railway companies.

18. The company may also purchase or lease any other railway built or under construction, in whole or in part ; and every such railway or portion thereof, so purchased or leased, shall be deemed to form part of the line of railway contemplated by this act, as if it had been built by the company.

Power to purchase or lease other railways, &c.

19. The company is further authorized to make arrangements with any other railway company with a view of leasing, selling, or transferring the whole of its road and branches, or all the interest which it may have therein or any portion thereof, to any other railway company, on such conditions as the directors may deem expedient ; provided the acquisition, sale or lease mentioned in this and the preceding sections, if effected with any railway company which receives or has received subsidies voted by the Legislature, shall be submitted to and be approved by the Lieutenant-Governor in Council.

Power to lease its road, &c.

Proviso.

20. The company is authorized to acquire or receive, in payment of shares or parts of shares, subscribed in the capital stock of the company by any subscriber, hypothecary bonds

Power to receive bonds, &c., in payment of shares.

or debentures, and the interest coupons due or to become due of any railway company; and the company may, in its own name, as the holder thereof, exercise and claim all the rights and privileges connected with such bonds and debentures and interest coupons.

Company
may :
Acquire, &c.,
water-
powers ;

21. The company may :

1. Acquire and make use of water-powers, and establish works and workshops for producing the electric power necessary for the running of its railways and accessories ;

Acquire, &c.,
patents ;

2. Acquire, by permit, purchase or otherwise, all exclusive rights in patents of invention, privileges and patent rights for the purposes of the works hereby authorized, and sell and dispose of the same ;

Build, &c.,
telegraph and
telephone
lines, &c. ;

3. Build, equip, maintain and work for its own use and that of the public,—so long as a telegraph or telephone company shall not have a telegraph or telephone line in operation in the said parishes for the public,—a telegraph line and telephone lines along the whole length of the railway and branches, establish public offices for the sending of despatches, and enter into a contract or contracts with any other companies for the establishment and working of such telegraph and telephone lines. The said company may nevertheless, maintain for its own use any telegraph or telephone line that it may consider necessary ;

Manufacture,
&c., electric
light, &c. ;

4. Manufacture and make use of electric light and power for the purposes of its railway and the lighting of its roads, and also for the benefit and advantage of municipalities situated within a radius of five miles from its railways ;

Proviso.

The company shall not sell electricity for the purposes of lighting, heating or motive power in the city of St. Hyacinthe, nor in the villages of St. Joseph and de la Providence, in the county of St. Hyacinthe, but may itself make use of the light.

Form of
deeds of con-
veyance.

22. All deeds of conveyance of land to the company for the purposes of this act, in so far as circumstances may permit, may be in the form of the annexed schedule or in any other form of similar tenor.

Provisions re-
specting reg-
istration.

In order that such deeds be duly registered, all registrars, in their respective counties, shall be furnished, by and at the expense of the company, with a book containing copies of the form given in the said schedule, or other form of similar tenor, a copy of which shall be printed on each page, leaving the necessary blanks to suit the circumstances upon each separate conveyance, and upon the production of any

conveyance, such registrar shall enter the same in the said book and shall minute the registration or entry on the deed.

The registrar shall charge and receive from the said company, for all fees on such registration, fifty cents and no more. Fee for registration.

Such registration shall be deemed to be valid in law, any statute or provision of law to the contrary notwithstanding, and it shall, with respect to rights of ownership, servitudes, hypothecs and real rights, have the same effect as the registration prescribed by the Civil Code. Effect of such registration.

23. The construction of the said railway shall be commenced within five years, and be completed within ten years from the coming into force of this act. Commencement, &c., of works.

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

SCHEDULE

DEED OF SALE

Know all men, by these presents, that I, A. B.,
of _____, in the county of _____,
for and in consideration of the sum of _____
to me paid by the St. Hyacinthe Electric Railway Company,
which acknowledge to have received, grant, bargain, sell
and convey unto the said company all that tract or parcel of
land (*description of the property*), the same having been
selected and laid out by the said company for the purposes
of its railway, to have and to hold the said lands and
premises unto the said company, its successors and assigns
forever.

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

Signed, sealed and delivered in presence of
C. D.
E. F. } { L. S. } A. B.

QUEBEC : Printed by CHARLES PAGEAU, Printer to the Queen's
Most Excellent Majesty.