



63 VICTORIA

CHAP. 73

An Act to incorporate The Jonquière Pulp Company

[Assented to 23rd March, 1900]

WHEREAS The Jonquière Pulp Company has, by petition, *Preamble,*
represented :

That, by letters patent of the Lieutenant-Governor of this Province, dated eighth August, one thousand eight hundred and ninety-nine, it was incorporated with a capital of forty thousand dollars, and authorized to build and work one or more pulp factories, to manufacture, sell, and carry on business in pulp in all its branches ; acquire timber limits, and moveable and immoveable property ; acquire and make use of water powers, to do business in electricity for lighting, heating and as a motive power, and to acquire other rights ;

That, in order to allow the company to extend its business and attain its object, it is necessary that its capital stock be increased, that additional powers be granted it, and that it be constituted a corporation governed by the Joint Stock Companies' General Clauses Act ;

Whereas the company has by its petition, applied for the passing of an act for these purposes, and it is expedient to grant its prayer ;

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

1. The shareholders now composing the Jonquière Pulp Company incorporated by letters patent of the Lieutenant-Governor, of the eighth August, one thousand eight hun- Persons in-
corporated.

dred and ninety-nine, all its present members and those who shall in the future become shareholders in the corporation created by this act, are constituted a corporation under the name of "The Jonquière Pulp Company," whose principal place of business shall be at Jonquière, in the county of Chicoutimi, and such corporation shall, for all purposes whatsoever, replace the corporation created by the above-mentioned letters patent and succeed to all its property, rights, powers, privileges, franchises, assets and liabilities.

2. The company shall have power to purchase, lease, or otherwise acquire moveable and immoveable property, right of way and timber limits, from time to time, as may be deemed requisite for erecting mills and dams, and for the purpose of carrying on the proposed business of the said company, in the manufacture and sale of wood pulp, and all business incidental thereto; and further, with power at any time to sell, mortgage, or hypothecate, both the lands now held by the said company, and other properties which may be by the said company acquired.

3. The capital stock of the company shall be fifty thousand dollars, divided into five hundred shares of one hundred dollars each; which capital may, from time to time, be increased to one million dollars, according to the requirements of the company, as shall be decided by a vote of the holders of the majority in value of the shareholders at a general meeting or at a meeting convened for that purpose.

4. The said corporation, hereinafter called "the company," shall have power to erect, construct and maintain a dam or dams along the river aux Sables, between the river Saguenay and Lake Kenogami, in the county of Chicoutimi, on the lands belonging to it, to obtain and secure sufficient supplies of water and power for the purposes of the company, and also to construct dams on the said river aux Sables and on the river Chicoutimi, in the said county, to dam up Lake Kenogami for the same purpose, and also to conduct water from the said Lake Kenogami and from the said river aux Sables,—without interfering with works already existing or in process of construction upon the said rivers,—by canals and flumes, to be made by the company at any place on the said river aux Sables, along the banks thereof and at the head of the river Chicoutimi, for hydraulic and manufacturing purposes; provided that such works do not interfere with the driving of logs and that the company shall be obliged to give the natural flow of water to persons

driving logs wherever required ; and may also construct all necessary locks, piers, and other works on the said canals ; may enter and take possession of the bed and beach of the said river at the entrance of the said canals or flumes, or tail races for water-powers taken from the said canals or flumes, or to deliver water on the wheels, or build a power-house or power-houses ; may enter upon and survey all lands on the line of the said river, and, from time to time, may purchase, acquire, hold and enjoy all lands necessary for the said purposes, and for such ditches as may be along the banks of the said river and for a road on either or both sides thereof ; and may, provided it does not interfere with navigation, make all bridges, intersections and crossings, whether through, under or upon public or private roads, or any aqueduct or canal ; and may erect all necessary dams, piers, wharves, flumes or other works to secure the necessary supply of water for the said works. The company shall obtain the authorization of the Crown previous to the execution of its works upon Crown Lands.

5. The company may :

(a) Use, sell, dispose of or lease water from the said flumes, dams or canals, which may be found useful and applicable to drive any machinery in mills, warehouses and manufactories ; purchase, acquire, hold and possess lands along the sides of said flumes, dams or canals on either side or both sides thereof, and down to the said river ; dispose of the said lands by sale or lease, with or without water-power, on such terms and conditions as it may think fit ; construct and maintain stores, warehouses, sheds or other buildings for the reception and storing of goods ; and construct elevators, cranes and weigh-beams, and all such other works and structures as shall be requisite to give effect to the full intent and meaning of this act ;

Company
may :
Use, &c.,
water from
dams, &c.

(b) Manufacture mechanically ground wood pulp, chemical pulp, paper, lumber, and all products incidental thereto, in all its branches ; manufacture, supply, sell and dispose of electricity for the purposes of light, heat or motive power, and for any other purpose for which the same may be used ;

Manufacture
wood pulp,
&c.

(c) Acquire, manufacture, construct, erect, maintain and operate all buildings, works, structures, apparatus, meters, wires, appliances, supplies and machinery, necessary or advisable in connection with the said business, and dispose of the same in any manner that the directors deem advisable ;

Acquire, &c.,
buildings, &c.

(d) Acquire by purchase, license or otherwise, and use, license or otherwise dispose of, any invention or letters patent, letters patent for inventions, &c.

patent,

patent, or any right to use, or employ any inventions in connection with the production, manufacture or supply of electricity ;

Acquire, &c., property, &c. (e) Acquire and operate the works, stock, property, franchises, assets and business of any person, company, city, town, village or municipality, whether incorporated or not, authorized to carry on any business, comprised in the subjects of this act ; enter into any arrangements for such purpose or in connection therewith and for assuming the liabilities of such person, company, city, town, village or municipality with which the company has entered into an agreement or contract, in respect thereof ; and acquire, hold or dispose of the whole or any part of the shares, debentures, and securities of such person, company, city, town, village or municipality, with which the company has entered into an arrangement or contract ;

Construct tramways in certain counties, &c. (f) Construct tramways in the counties of Chicoutimi and Lake St. John, wharves, docks, offices, and all necessary buildings, and purchase, hire, build and repair steam and other vessels for the services of the company ;

Grant licenses, &c., to use patents, &c. (g) Grant licenses to any person, company or municipal corporation to use any patent, license or right held or owned by the company, and receive payment therefor, either in bonds or debentures, or fully paid up shares of the capital stock of any other such company or corporation, and, to such extent, become a shareholder in any such company ;

Locate, &c., branch lines of railway in certain counties, &c. (h) Locate, construct, and operate branches of railway for the purpose of connecting the mills and industrial establishments of the company with the Quebec and Lake St. John Railway, in the said counties of Chicoutimi, Saguenay, and Lake St. John, or any other railway which passes or may pass through the said counties ; and the provisions of the railway law of this province shall apply to the company for the purposes of this section ;

Acquire, &c., dams, &c. (i) Acquire, construct and maintain any dam, slide, pier, boom or other work necessary to facilitate the transmission of timber down any river or stream, and for the purposes of blasting rocks, dredging, or otherwise of improving the navigation of such streams for said purpose ;

Consent required for certain works. Provided that the company shall not construct any such work over and upon, or otherwise interfere with or injure any private or public property, without having obtained the consent of the owner or occupant thereof or of the Crown, without interfering with works already existing or in process of construction on the said rivers or having acquired the right so to do, as hereinafter provided.

Certain articles of R. S. to apply to works. Articles 4970, 4972, 4973, 4974, 4975, 4976, 4977, 4978, 4979, 4980, 4981, 4982 and 4983 of the Revised Statutes shall

shall apply, *mutatis mutandis*, to such works in the same manner and to the same extent as provided by such articles.

6. With the consent of the municipal council or other authority having jurisdiction over any highway or public place, the company may enter thereon for the purpose of constructing and maintaining lines for the conveyance of electric power; and, when deemed necessary by the company for the purpose of its system for supplying electric power, may erect, equip, and maintain poles and other works and devices, and stretch wires and other electrical contrivances, thereon; may supply electricity to any municipal corporation, or to any unincorporated town or village, and, as often as the company think proper, may enter upon, use, break up and open any highway or public place, subject however to the following provisions:

(a) The company shall not interfere with the public right of travel, or in any way obstruct the entrance to any door or gateway, or free access to any building;

(b) The company shall not permit any wires to be suspended less than twenty feet above the level of the street or highway, nor, without the consent of the municipal council, erect more than one line of poles along any highway;

(c) All poles shall be, as nearly as possible, straight and perpendicular, and shall be painted if so required by any by-law of the council;

(d) The company shall not be entitled to any damages on account of poles or wires being cut by the direction of the officer in charge of the fire-brigade at any fire, if, in the opinion of such officer, it is advisable that such poles or wires be cut;

(e) The opening up of the streets for the erection of poles, or for carrying wires underground, shall be subject to the direction and approval of such person as the municipal council appoints, and shall be done in such manner as the said council directs; the council may also designate the places where such poles shall be erected, and the streets shall, without any unnecessary delay, be restored, as far as possible, to their former condition, by and at the expense of the company;

(f) In case efficient means are devised for carrying telegraph or telephone wires underground, no act of the Legislature requiring the company to adopt such means, and abrogating the right given by this section to carry lines on poles, shall be deemed an infringement of the privileges granted by this section, and the company shall not be entitled to damages therefor;

Company may, with municipal authority, enter, &c., highways for purposes of works, &c.

Public right of travel not to be interfered with, &c.

Wires to be suspended at certain height, &c.

Poles to be straight, &c.

No damages to be claimed if wires cut for certain purposes.

Opening of streets to be under municipal control, &c.

If required to place wires underground.

If wires cut
for purpose of
removing
buildings, &c.

(g) If, for the purpose of removing buildings, or in the exercise of the public right of travel, it is necessary that the said wires or poles be temporarily removed, by cutting or otherwise, the company shall, at its own expense, upon reasonable notice in writing from any person requiring it, remove such wires or poles, and in default of the company so doing, such person may remove such wires and poles at the expense of the company. The said notice may be given either at any office of the company or through any agent or officer of the company, in the nearest adjoining municipality to that in which such wires and poles are.

Notice how
given.

Power of di-
rectors to
borrow.
Amount li-
mited.

7. The directors may, whenever authorized for that purpose, borrow such sums of money not exceeding in amount two-thirds of the subscribed capital stock of the company as the said directors deem necessary, and may issue bonds or debentures therefor, in sums of not less than one hundred dollars each, at such rate of interest, and payable at such times and places, and secured in such manner by mortgage or otherwise upon the whole or any portion of the property and undertaking of the company as may be decided upon by the directors. The company may make such provision respecting the redemption of such securities as may be deemed proper.

Issue bonds,
&c.

Redemption
thereof.

Issue of paid-
up stock, &c.,
for certain
purposes.

8. The directors may make and issue as paid-up and unassessable stock, shares of the capital stock of the company in payment of and for all or any of the businesses, franchises, undertakings, properties, rights, powers, privileges, letters patent, real estate, stock and assets or other property of any person, company, or municipal corporation, which it may lawfully acquire in virtue of this act; and may allot and hand over such shares to any such person, company, or corporation or to its shareholders; and may also issue, as paid-up and unassessable stock, shares of the capital stock of the company, and may allot and hand over the same in payment for right of way, lands, rights, plant, property, letters patent of invention, rolling stock or materials of any kind of service to the company; and any such issue and allotment of stock shall be binding on the company, and such stock shall not be assessable for calls nor shall the holders thereof be liable in any form thereon, and the company may pay for any and each of the objects above-mentioned wholly or partly by means of paid-up shares, or wholly or partly by means of debentures, as the directors may deem proper.

Bonds pay-
able in what
currency.

9. The mortgage bonds and debentures of the company may be issued either in Canadian currency or in sterling, or in both at the option of the company.

10. The company may receive from any government, or from any person, city, town, village or municipal corporation, whether incorporated or not, and having power to make or grant the same, in aid of the construction, equipment and maintenance of the said works, grants of land, exemption from taxation, loans, gifts of money, guarantees and other securities for money, and may hold and dispose of the same for the purposes of the company.

11. Before commencing the laying of wires, or the building of flumes, the company shall be bound to make to the Commissioner of Public Works a report of the works which it proposes to undertake, and to send a copy of the same to the municipal council of the municipality in which the projected works are to be made, or if it happen that such works are situated in more than one municipality, then to the municipal council of each municipality within the limits of which the projected works are situated, except on its own lands.

Report to be submitted of proposed works to Commissioner of Public Works, &c.

12. If any person, supplied by the company with water or electricity, neglect to pay the rent, rate or charge due to the company, at any of the times fixed for the payment thereof, the company or any person acting under its authority, on giving forty-eight hours' notice, may stop the supply of water or electricity or power from entering the premises of the person in arrears, as aforesaid, by cutting off the service pipe or wires, or by any other lawful means as the company or its officers see fit; and may recover the rent or charge then due, together with the expenses of cutting off the water or electricity, notwithstanding any contract to furnish the electricity, water or power for a longer time.

Supply of water, &c., may be cut off in event of non-payment of rate, &c.

13. As soon as the company has cut off and taken away the supply of water or electricity from any house, building or premises, the company or its agents and workmen, may enter into the house, building, or premises, between the hours of nine o'clock in the forenoon and four in the afternoon, making as little disturbance and inconvenience as possible, and may remove and take away any wire, meter, cock, branch, lamp, or apparatus which are the property of the company.

Entry into buildings for purpose of removing fittings in such case, &c.

Any servant of the company, duly authorized, may between the hours aforesaid, enter any house into which water or electricity has been taken, for the purpose of examining any meter, wire or apparatus belonging to the company, or used for water or electricity; and if any person refuse to permit, or do not permit the servants and officers of the

Examination of meters, &c.

Penalty for refusing permission.

company to enter and perform the acts aforesaid, the person so refusing or obstructing shall, for every such offence, incur a penalty in favor of the company of not more than forty dollars, and a further penalty of four dollars for every day during which such refusal or obstruction remains.

Arbitration
in case of
flooding by
company's
works, &c.

14. When the lands adjacent to and connected in any manner or to any extent with the water powers on the river aux Sables and the river Chicoutimi, at a place where lake Kenogami discharges into these rivers, and around lake Kenogami, are or shall be flooded by the development of such water powers, or whenever it may be necessary to obtain a piece of land or passage for the placing of its lines for transmitting electricity, for building its dams, wharves, booms or other works necessary to facilitate the transportation of timber, and to attain the objects for which the company is incorporated, an indemnity, covering for ever the depreciation of the value of the land by the exercise of such rights by the said company, shall be determined by experts, in accordance with the provisions of the Municipal Code, article 640a and following of the said Code.

Law to apply
in case of ex-
propriation.

15. Whenever it shall be necessary to have recourse to any expropriation, the expropriation shall only be effected as stated in the preceding section; with the exception of land expropriated for the construction of a branch or branches of railway, which expropriation shall be made under the provisions of the Revised Statutes relating to railways.

Voting by
shareholders.

16. Each shareholder shall have a right to vote by proxy given to a shareholder or in person at the meetings, and shall have a vote for each share.

Number of
directors.

17. The company shall have seven directors until such time as their number is increased by by-law.

Qualification
of directors.

18. No one shall be appointed a director, unless he be a shareholder and possessed of at least ten shares in the capital.

Power of di-
rectors to
make certain
by-laws.

19. The directors may make by-laws for the management of the affairs and business of the company, including the number, the qualifications required by and the remuneration of the directors and employees, to determine the time and place of directors' meetings and meetings of the shareholders, and in general to regulate the details of the company's business.

20. The law respecting joint stock companies shall apply to this company, except when its provisions are incompatible with those of this act. Law to apply.

21. Nothing in the present act shall be interpreted as granting any powers to the company beyond the limits of the counties of Chicoutimi, Saguenay and Lake St. John, to which counties the said act is restricted. Privileges restricted to certain counties.

22. The by-laws of the former company, and the agreements, contracts and other deeds passed or adopted, entered into or lawfully made under its charter, shall continue in force and effect until annulled, modified, replaced, repealed, or executed under the provisions of this act or of the by-laws. Certain by-laws, &c., continued, &c.

23. The present officers of the company shall remain in office until replaced under this act or the by-laws. Present officers.

The present directors of the company shall be the provisional directors of the new corporation. Present directors.

24. The present shareholders of the company shall be holders of a number of shares in the new corporation equal to that which they hold in the former company. Rights of shareholders in old company.

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

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