

CAP. LXVIII.

An Act to incorporate the Buckingham Electric Railway,
Light and Power Company.

[Assented to 12th January, 1895.]

Preamble.

WHEREAS Albert McLaren, of the town of Buckingham, gentleman ; Thomas Kenney, of the city of Ottawa, agent ; E. S. Leetham, of the city of Ottawa, agent ; Thomas Wells, of the town of Buckingham aforesaid, superintendent, and Henry Ayles, of the town of Aylmer, in the district of Ottawa, advocate ; have, by their petition, prayed for the incorporation of a company to construct and operate an electric railway from the Ottawa River, at or near the mouth of the river du Lièvre, in the township of Buckingham or parish of Ange Gardien, in the county of Ottawa and Province of Quebec, to and in the town of Buckingham, and to light and supply motive power to the town of Buckingham, and the township of Buckingham, and to the inhabitants thereof, and for other purposes ; and whereas it is expedient to grant the prayer of the said petition ;

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

Persons incorporated.

1. The persons hereinabove mentioned, and all other persons who may hereafter become shareholders, are constituted a corporation, under the name of the "Buckingham Electric Railway, Light and Power Company," hereinafter called "the company."

Name.

Head office.

2. The head office of the company shall be in the town of Buckingham, in the county of Ottawa and Province of Quebec.

Power to lay out, &c., electric railway between certain places.

3. The company may lay out, construct and operate an electric railway, with a single or double track, and in such manner as may be deemed advisable, of the gauge of four feet eight and one-half inches wide, or such other gauge as may be deemed advisable, from a point on the Ottawa River, at or near the mouth of the river du Lièvre, in the township of Buckingham or parish of Ange Gardien, in the county of Ottawa, and Province of Quebec, to, in, and through the town of Buckingham ; and such line of railway may cross and re-cross the said river du Lièvre, at such places as may be by the company deemed advisable or necessary, on or by the bridges already erected or to be erected upon the said river ; and the company may propel or move the cars, vehicles or machinery running or used thereon by electricity, steam or otherwise, as may be deemed expedient.

4. The persons above mentioned by name are constituted provisional directors of the company. Provisional directors.

5. The capital stock of the company shall be \$100,000, with power to increase the same ; which may be called up by the directors, from time to time, as they deem necessary. Capital stock and increase thereof. Calls.

6. The annual general meeting of the shareholders of the company shall be held on the second Tuesday of the month of May in each year, at the town of Buckingham. When and where annual meeting is to be held.

7. At such meeting the subscribers of the capital stock assembled, who have paid all calls due on their respective shares, shall choose five persons to be directors of the company, one or more of whom may be paid directors of the company. Election and number of directors. Paid directors.

Four of such directors shall constitute a quorum.

Quorum.

8. The company may issue bonds, debentures or other securities, to the extent of ten thousand dollars per mile of the said railway and its branches ; and the bonds, debentures or other securities may be issued only in proportion to the length of railway constructed or under contract to be constructed. Power to issue bonds, &c.

9. The company may enter into an agreement with all railway companies owning or operating, or who may hereafter own or operate railways of any nature and description whatsoever in the district of Ottawa, or with steamboat companies, running or operating steamboats upon the river Ottawa or river du Lièvre, or other rivers or streams in Canada, for conveying or leasing to such companies or corporations the railway of the company hereby incorporated, in whole or in part, or any rights or powers acquired under this act, as also the surveys, plans, works, plant, material, machinery and other property to it belonging, or for an amalgamation with such companies or corporations, on such terms and conditions as are agreed upon, and subject to such restrictions as to the directors seem fit ; provided that such agreement has been first sanctioned by two-thirds of the votes at a special general meeting of the shareholders duly called for the purpose of considering the same, at which meeting, shareholders, representing at least two-thirds in value of the stock, are present in person or represented by proxy. Power to enter into certain agreements with certain companies.

10. The company shall have, and is hereby given the power of building their line of railway across the track of the Canadian Pacific Railway Company, on the line of the tramway operated by the late James McLaren across the Power to build line across track of C. P. R. on certain line, &c.

Proviso.

Canadian Pacific Railway track; provided the consent of the heirs, executors, trustees and legal representatives of the said James McLaren be previously had thereto, if necessary, or otherwise cross such track.

Certain articles of R. S. to apply and certain articles excluded.

11. The following articles, and no other of section twelve of chapter three of title eleven of the Revised Statutes, and their amendments, not inconsistent with or contrary to the provisions of the present charter, or with by-law number forty-two of the corporation of the town of Buckingham and its council, hereinafter mentioned, or of by-law number seventeen of the corporation of the township of Buckingham and its council, shall apply to the company; and the following specially mentioned articles, subject to the above proviso, are declared to apply to the company, and to form part of its present charter, namely, 5131, 5132, 5133, 5134, with the exception of paragraphs 16, 23 and 26, which are excluded; 5135, 5136, 5137, 5138, 5139, 5140, 5141, 5142, 5143, 5144, 5145, 5147, 5163, except the last clause of paragraph 13; 5164, 5165, 5166, 5167, 5168, 5169, 5172, with the exception of paragraphs 9, 10, 11 and 12; 5175, excepting paragraphs 2, 3 and 4; 5176, with the exception of paragraphs 2, 3, 4, 5, 6 and 7; and provided the power of this section shall apply to telephone lines; 5207, with the exception of paragraphs 2, 3, 4, 5 and 6; 5125, 5126, 5 27, 5128, 5129, 5130, 5146, 5148, 5149, 5150, 5151, 5152, 5153, 5154, 5155, 5156, 5157, 5158, 5159, 5160, 5161, 5162, 5170, 5171, 5173, 5174, 5177, 5178, 5179, 5180, 5181, and the other articles of the said section twelve, with the exception of those included, as aforesaid, from 5182 to 5223, both inclusive, save and except 5207, as included, shall not be incorporated with the present act or this charter, and are excluded therefrom; and the company is given each, all and every of the powers, rights and privileges specified in the above articles so incorporated herewith, in addition to those already granted or hereafter to be granted by the present act. Provided, however, that no plan or book of reference of the properties acquired by the company, and required for the uses of the railway, shall be required to be prepared, made or deposited, as provided in the said articles, if the railway is wholly constructed on land acquired by contract or other agreement, and not by expropriation proceedings.

Proviso.

Certain grants by town and township of Buckingham declared valid.

12. The grant to the said Albert McLaren, heretofore made by the corporation of the town of Buckingham and its council, and by the corporation of the township of Buckingham and its council, of certain franchises and privileges; including, among others, for a period of thirty years, the exclusive right and privilege of constructing and

equipping an electric railway in the town of Buckingham and in the township of Buckingham, and in and upon the streets thereof, and of making all erections and works necessary for the same, and also the exclusive right and privilege, for the period of twenty years, of furnishing and supplying electric light to the corporation of the town of Buckingham and to the inhabitants thereof, and to all industries and manufactories that are established, or may be established therein, and of erecting such poles, apparatus and appliances and electric machinery in the town of Buckingham and the streets thereof, as may be necessary for such purposes, and for the due development and distribution of such light, and including the right, privilege and franchise of supplying, selling and leasing such heat and motive power, generated by electricity or otherwise, to the inhabitants and industries and manufactories and dwellings and other buildings that may require the same, or whose owners may require the same, and of making all such erections and structures in the town of Buckingham and in the streets thereof as may be necessary for such purposes, and the exemption of the railway and works, and all machinery, plant and other things connected therewith or used in connection with the same, from municipal taxes and rates, for the period of thirty years, and such other plant, works and properties for twenty years,—is, and the by-laws containing the same, and the provisions thereof, that is to say, by-law number forty-two of the corporation of the town of Buckingham and its council, and by-law number seventeen of the corporation of the township of Buckingham and its council, are declared legal and valid; and each, all and every of the said franchises, privileges, and rights and exemptions therein contained are, and each of them is declared legal and valid and binding upon the corporation of the town of Buckingham and upon the corporation of the township of Buckingham as enacted, notwithstanding that some of them might have been *ultra vires* of the corporation of the town of Buckingham and its council, and of the corporation of the township of Buckingham and its council.

By-laws conferring same declared valid.

13. The said Albert McLaren is authorized, should he deem it expedient so to do, to transfer all or any of the rights, privileges and franchises granted to, or conferred upon him, by the said by-laws or either or them, to the present company, and the company is hereby authorized to receive the same,—the whole gratuitously, or for such consideration and upon such conditions as may be agreed upon by and between the said Albert McLaren and the company.

Power given to company to receive transfer of rights from A. McLaren.

14. Nothing in the present charter contained, and no right, power or franchise conferred upon the company shall

Certain rights preserved.

Proviso.

in any way, conflict with the rights and privileges, franchises and exemptions granted the said Albert McLaren by the said by-laws above mentioned, or either of them ; provided, however, that in case the said Albert McLaren should transfer all or any of the rights, privileges or franchises granted him by the said by-laws, or either of them, to the present company, the company shall hold such of them as he may so transfer, with the same exemptions, rights and privileges with which the same were granted by the by-laws, or either of them, to the said Albert McLaren.

Further powers granted to company.

15. Subject to the restrictions contained in this act, the company is further granted the right and power to develop, supply, lease or sell light, heat or motive power, and power for the operation of the machinery and apparatus of manufactories and industries, generated by electricity or otherwise, to the inhabitants of the town of Buckingham, and to the township of Buckingham, and of Ange Gardien, and elsewhere in the Province of Quebec, and to all such industries and corporations as may be established therein, together with the right to erect all such plant and appliances, poles, wires and apparatus as may be necessary for the due developing and distribution and uses of the said light, heat and motive power ; provided, however, that nothing herein contained shall infringe in any way upon the exclusive or other rights, privileges and franchises granted and conferred upon the said Albert McLaren by the by-laws above mentioned, or either of them ; but subject, however, to the privilege of receiving, from the said Albert McLaren, as aforesaid, the exclusive or other rights and privileges granted him in that respect ; and, if so granted, the same shall be received with the exemption from taxation attached thereto.

Power to borrow certain sum for certain purposes and to issue bonds therefor.

16. The directors of the company shall have authority to borrow such further sums of money, not exceeding the sum of twenty-five thousand dollars, as the directors shall deem necessary, to be used for the purpose of generating and distributing such electric light, or in connection therewith, and to issue bonds, debentures or other securities for the said loan, to the extent of twenty-five thousand dollars ; and in such case, the plant, apparatus and appliances, machinery and works used for the development and distribution of the said light, heat and motive power shall be especially bound and affected for the payment of the last mentioned debentures and securities, together with the exclusive franchise or other franchises affecting or relating to the same ; provided the by-laws of the company, authorizing the said loan, shall be duly registered in the registry office or offices within the registration division of which, at the time of the said loan, the said works so to be

Proviso.

affected and hypothecated are situated, and such hypothec so created, shall rank from the date of the registration thereof.

17. The company is further given the right and privilege of acquiring, leasing or renting all such water-powers, water privileges and properties as may be necessary for the development and distribution of electricity, light, heat and motive power derived therefrom, for each, all and every of the purposes above mentioned, and of making such improvements in connection therewith as may be necessary for such purposes. The company may acquire the same from the said Albert McLaren, and all other persons, including the directors or shareholders of the company, upon such conditions and for such consideration as the directors shall determine.

Certain further powers given to company.

The company may issue further bonds and debentures, to the extent of thirty thousand dollars, in connection with the purchase or acquisition of water-powers and water privileges, and of the plant and machinery used in connection with water-powers and privileges, to develop or distribute the said electricity, heat or motive power, or for the purposes of operating or maintaining the same. Such interests as may be acquired in the said water-powers and privileges, and plant and machinery shall be specially affected and hypothecated for the payment of the last mentioned loan and debentures; provided the by-law of the company, authorizing the loan, shall be duly registered in the registry office or offices within the registration division of which, at the time of such loan, the said works so to be affected and hypothecated are situated; and such hypothec so created, shall rank from the date of the registration thereof.

Additional power to issue bonds.

18. The company is further given all rights, powers and privileges in any way necessary for the due execution and completion of the works herein contemplated, and all rights and powers that may be in any way necessary for the due erection, maintenance or operation of the said works; including, among other rights and powers, the rights and powers above mentioned or contemplated, and the right and power to lay down, construct, erect and maintain lines of wires, tubes and other apparatus for conducting electricity along, upon or underneath highways, bridges, water-courses, of setting up posts or other apparatus necessary to support, distribute or operate the same, and generally the right and power of doing anything necessary or useful in carrying out the objects for which, or in connection with which, the company has been incorporated.

General working powers.

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

Coming into force.