

# *An Act to incorporate The Estevan Transit and Power Company, Limited*

*being a Private Act*

Chapter 70 of the *Statutes of Saskatchewan, 1913*  
(effective December 19, 1913).

## **NOTE:**

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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**1913**  
**CHAPTER 70**

**An Act to incorporate The Estevan Transit and  
Power Company, Limited**

(Assented to December 19, 1913)

**Preamble**

WHEREAS a petition has been presented praying for the incorporation of a company with power (among other things) to construct and operate a power plant and railway as hereinafter set forth and it is expedient to grant the prayer of the said petition:

Therefore His Majesty by and with the advice and consent of the Legislative Assembly of Saskatchewan enacts as follows:

**The corporation**

1 Harry Nicholson, contractor; Hector J. McNeil, agent; Wm. J. Perkins, barrister; Ernest C. Hilborn, salesman; and Donald C. Dunbar, all of the town of Estevan in the Province of Saskatchewan, together with such other persons as become shareholders in the company hereby incorporated are hereby constituted a body corporate under the name of "The Estevan Transit and Power Company, Limited," herein called "the company."

1913, c.70, s.1.

**Head office**

2 The head office of the company shall be at Estevan, in the Province of Saskatchewan or at such other place in Saskatchewan as the company may in general meeting decide.

1913, c.70, s.2.

**Provisional directors**

3 The persons mentioned in the first section of this Act are hereby constituted provisional directors of the company.

1913, c.70, s.3.

**Capital stock**

4 The capital stock of the company shall be one hundred thousand dollars (\$100,000) divided into one thousand shares of one hundred dollars (\$100) each and may be called up by the directors from time to time as they deem necessary but no one call shall exceed ten per cent of the share subscribed.

1913, c.70, s.4.

**Annual meeting**

5 The annual meeting of the company shall be held on the second Wednesday of the month of November in each year.

1913, c.70, s.5.

**Directors**

**6** The number of directors shall be not less than five, nor more than nine, one or more of whom may be paid directors, and at the first ordinary meeting of the company, the whole of the directors shall retire from office and at the first ordinary meeting in each subsequent year one-third of the directors for the time being, or if the number is more than a multiple of three, then the number nearest to one-third shall retire from office. The one-third or other nearest number to retire during the first and second years ensuing the first ordinary meeting of the company shall, unless the directors agree among themselves, be determined by ballot; in every subsequent year the one-half or other nearest number who have been longest in office shall retire, but a retiring director shall be re-eligible. The company at the general meeting at which any directors retire in manner aforesaid shall fill up the vacancy by electing a like number of persons, but if at any meeting at which an election of directors ought to take place, the places of the vacating directors are not filled up, the meeting shall stand adjourned until the same day in the next week at the same time and place; and if at such adjourned meeting the places of the vacating directors are not filled up, the vacating directors, or such of them as have not had their places filled up shall continue in office until the ordinary meeting in the next year and so on from time to time until the places are filled up. Any casual vacancy occurring in the board of directors may be filled up by the directors, but any person so chosen shall retain his office so long only as the vacating directors would have retained the same if no vacancy had occurred.

1913, c.70, s.6.

**The company may generate power, etc.**

**7(1)** The company may generate, produce, deal in, supply, sell, furnish and dispose of power to any person, firm, body corporate or politic, for heat, light, mechanical and (or) other purpose and may generate, produce, deal in, supply, sell, furnish and dispose of electricity or electro motive force, electro pneumatic power, gas, steam and hydraulic power with full authority to purchase, lease or otherwise acquire, erect, maintain and operate all works, structures, apparatus, motors, poles, wires, appliances, pipes and machinery in any way used in connection with such business and with the generation, storage and transmission of power, with full authority to lease, sell, mortgage or otherwise dispose of the same or any part thereof. The company shall also have power to acquire by purchase, license, lease or otherwise, and to use, hold, lease, mortgage or otherwise dispose of necessary lands, water or other powers, rights, easements and privileges in connection with the said business and may acquire by purchase, license, lease or otherwise and may use, and in any of the said ways dispose of, any invention, letters patent for inventions or for the right to use any inventions in any way connected with the said business and may acquire, hold and dispose of shares in the capital stock, debentures and securities of any other company in Saskatchewan possessing powers similar to those of the company hereby incorporated:

Provided that the company shall not without the consent of the Lieutenant Governor in Council, transmit power, electricity or gas a greater distance than 10 miles, from the place or places where such power, electricity or gas is generated, produced or manufactured by the company.

(2) In the exercise of such of the powers conferred by this section, as come within the provisions of chapter 77 of *The Revised Statutes of Saskatchewan, 1909* the company shall be entitled to the benefit of and be subject to the provisions of the said chapter.

1913, c.70, s.7.

**The company may operate coal and other mines, etc.**

8 The company may prospect and search for coal and other minerals and may acquire coal and other mines, mining rights, options and privileges and may hold, maintain and operate any mine or mines with full power to mortgage, lease or otherwise dispose of the same and for any of the purposes of the company may maintain such buildings and erections, machinery and appliances as may in the opinion of the company be necessary and proper for the efficient working of any of said mines or mining rights and may sell and dispose of the products thereof, with full power for any of the said purposes to acquire by purchase, lease, license, exchange, or other legal title, mining easements, options, powers, privileges, as well as water and other rights, patent rights, letters patent of invention, processes and mechanical or other contrivances; and either absolutely or conditionally, and either solely or jointly with others to lease, mortgage, license, hypothecate, sell, or dispose of, or otherwise deal with the same or any part thereof or any interest therein.

1913, c.70, s.8.

**May manufacture brick, etc.**

9 The company may manufacture and sell brick, and terra cotta tiles, drain and sewer pipes, pottery and such like productions, and may purchase, lease, mortgage, sell or otherwise dispose of land for the said purposes and may erect thereon buildings for the manufactory of such products and also dwellings for the workman and may construct, maintain and operate a requisite plant, machinery and equipment required for such manufacture, or incidental thereto.

1913, c.70, s.9.

**May construct warehouses, etc.**

10 The company may construct, acquire, hold, operate, hire, lease, sell or otherwise dispose of warehouses, workshops, freight sheds, stations and other buildings, hotels and terminal facilities and may develop, build and otherwise improve upon, and utilise the same and may lease, sell or otherwise deal with or dispose of the same.

1913, c.70, s.10.

**May construct railways, etc.**

11 Subject to the provisions of *The Railway Act* the company may construct, lease or acquire, own and operate a railway or tramway to be operated by electricity or by any other power, such railway or tramway to be of the gauge of four feet, eight and one-half inches and such railway or tramway to be constructed and to be operated in Saskatchewan as follows:

Commencing at a point in the south-east quarter of section twenty-three (23) township two (2) range eight (8) west of the second meridian on the right of way of the Canadian Northern Railway near the south-east corner of said quarter section, thence in a south-westerly direction to a point on the government road allowance

between sections fourteen (14) and twenty-three (23) in said township about five hundred (500) feet east of the quarter section mound on the north side of section fourteen (14) in said township, thence in a south-westerly and north-westerly direction through the north half of the north-west quarter of section fourteen (14) into the north-west quarter of section fifteen (15), thence south-westerly through the east half of section fifteen (15) into the north-west quarter of section ten (10), thence south-easterly through said quarter section into and through section eleven (11) to a point in the east boundary near the south-east corner of said section.

1913, c.70, s.11.

**Bond issue, etc.**

**12** The company may borrow or raise or secure the payment of money in such manner as the company shall see fit, and in particular by the issue of debentures or bonds charged upon all of any of the company's property (both present and future) including its uncalled capital and may purchase, redeem or pay off any such securities and in particular as to its proposed railway may issue bonds, debentures or other securities to the extent of \$12,500 per mile of the railway or tramway and branches and such bonds, debentures or other securities may be issued in proportion to the length of the railway constructed or under contract to be constructed.

1913, c.70, s.12.

**Company may agree with municipality respecting traffic, etc.**

**13** The directors of the company may at any time and from time to time make and enter into any agreement or arrangement with any municipal corporation in this province owning or operating a municipal street railway for the regulation and interchange of traffic passing to and from the railways of the company and the said municipal corporations and for the working of the traffic over the said railways respectively or for either of those objects separately and for the division and appointment of tolls, rates and charges in respect of such traffic and generally in respect to the management and working of such railways.

1913, c.70, s.13.

**Sale of assets, amalgamations, etc.**

**14** The company may enter into contract with any other company authorised to contract with it for the selling, leasing or conveying to such other company the railway and undertakings of the company in whole or in part, or for purchasing or leasing from such other company the railway and (or) undertakings of such company, in whole or in part or for amalgamation.

1913, c.70, s.14.

**Application of *The Railway Act***

**15** The several clauses of *The Railway Act* shall be and the same are hereby incorporated with this Act, and the same shall form a part of and be construed with this Act as forming one Act and the same shall apply to the company and to the railway to be constructed by it, except in so far as the said clauses are expressly varied by this Act, or are inconsistent with the express enactments hereof, and the expression "this Act," when used herein, shall be understood to include the clauses of *The Railway Act*, as aforesaid.

1913, c.70, s.15.

**Bylaws, rules and regulations**

**16** The directors may from time to time, make, allow, amend or repeal such bylaws, rules or regulations not inconsistent with this Act or the laws for the time being in force in this province as they may deem necessary and proper for the management of the affairs of the company generally.

1913, c.70, s.16.

**Liability limited**

**17** No member or director of the company shall be liable in his person or separate estate for the debts or liabilities of the company to a greater amount in the whole than the amount of stock held by him deducting therefrom the amount actually paid on account of such stock unless he shall have rendered himself liable for a greater sum by becoming surety for the debts of the company but no shareholder who may have transferred his interest in the stock of the company shall cease to be liable for any contract of the company entered into before the date of such transfer so as any action in respect thereof shall be brought within twelve months after such transfer.

1913, c.70, s.17.

**Display of word “limited”**

**18** The company shall paint or affix and shall keep painted or affixed its name with the word “limited” after it on the outside of every office or place in which the business of the company is carried on, in a conspicuous position, in letters easily legible, and shall have its name, with the said word “limited” after it, mentioned in legible characters in all notices, advertisements, and other official publications of the company; and on all bills of exchange, promissory notes, cheques, orders for money or goods purporting to be drawn, made, signed, given or indorsed by or on behalf of the company, and in all bills, invoices, receipts, letters and other writings used in the transaction of the business of the company, and the company shall be liable to a penalty of \$25 for every neglect or omission of the name of the company in any of the above cases.

1913, c.70, s.18.

